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ABSTRACT

Governance in U.S. higher education is discussed, based on a 1982 survey of decision making in higher education with attention to its roots, the effects of current conditions on decision-making arrangements, and a possible governance framework for the future. While both private and public education are considered, the public sector is emphasized. Governance is defined as both formal decision arrangements and informal procedures by which standards are maintained. Information was obtained from a survey of decision-making in state higher education agencies, flagship universities, four-year colleges, and two-year colleges. After discussing the mission of universities, the tradition of self-regulation in American higher education is examined, including the governing board and voluntary accreditation. Also covered are outside governance connections (the state, the federal government, and the courts) that have significantly altered the mission and governance of higher education. It is concluded that, on balance, higher education's partnership with governments on both state and national levels has generated far more benefits than it has administrative burdens. However, because external influences on academic governance should not be allowed to overwhelm internal governance structures, colleges are urged to strengthen self-regulation capacity, to take leadership roles, and to revitalize their historic governance tradition. The survey questionnaire is included, together with a list of participating institutions and agencies. (SW)

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MANY LEADERS of American higher education feel caught up in a confusing bureaucratic web that demands accountability to external government but provides few incentives and little freedom to make their own decisions. This report of The Carnegie Foundation for the Advancement of Teaching, two years in the making, examines these concerns.

The report concludes that, on balance, higher education's partnership with governments on both state and national levels has been productive and has generated far more benefits than it has administrative burdens. Nevertheless, the powerful impact of external influence on the governance of American higher education cannot be discounted, and current trends appear to be in the direction of more, not less, control. The report takes the position that governance initiatives must return to the academy, and higher education must more effectively regulate itself.

To reach this conclusion, the report traces higher education's tradition of independence to its roots in medieval European universities where the teachers held corporate authority to select their

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A CARNEGIE FOUNDATION ESSAY

THE CONTROL OF THE CAMPUS

A REPORT ON THE GOVERNANCE OF HIGHER EDUCATION

THE CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING

5 Ivy Lane
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PREFACE

IN THIS REPORT we take a comprehensive look at the governance of American higher education. We trace its roots, review how decision-making arrangements have been affected by current conditions, and suggest a governance framework for the future.

In the development of this study, our staff reviewed relevant literature and consulted with many authorities. We also conducted a national survey of decision making in higher education. Through it, we have been able to determine where the effective level of decision making occurs in different types of institutions in the separate states.

Our concern throughout has been with both public and private education. Independent institutions have been deeply touched in recent years by government at both state and federal levels. Such colleges also have governance connections with constituencies in the public sector. However, the emphasis of this report is heaviest on the public sector because it is there that linkages between higher education and state government are, by definition, more intense.

To generalize about American higher education—especially in matters of governance—is risky. There are, after all, over 3,000 colleges and universities in the United States, each with its own unique practices and traditions, and circumstances vary greatly from one region to another. Therefore, we acknowledge that there are marked exceptions to our conclusions about governance conditions that seem to apply to most higher learning institutions.

A word about the organization of this report may be helpful. First, we define what we call the essential core of the academic enterprise and trace its roots. We then look at the tradition of self-

regulation in American higher education, beginning with the governing board and continuing to voluntary accreditation. In Section Three, we examine governance connections beyond the campus—the state, the federal government, and the courts—that have significantly altered the mission and the governance of higher education. The last section of our report summarizes major conclusions of the preceding chapters and pulls together key recommendations in what we call *A Governance Framework For Higher Education.*

This report has no single author. With the assistance of his staff, it was prepared by the president of the Foundation, who assumes responsibility for the final statement. Special credit, however, should be given to Dr. James Herbert, project director, and Ms. Carol Hermstadt Shulman, associate director, for their excellent work in gathering data, shaping issues and drafting materials for review. We have consulted widely with educators and government officials. We wish to thank all of them for their assistance and counsel.

We particularly thank our National Panel on Government and Higher Education (see page viii), and members of the Board of Trustees who have reviewed the text and shared their reactions. While the national panel significantly helped to shape the conclusions found in the report, and while there was wide consensus on most issues, we underscore the point that members of the panel are not individually or collectively responsible for the conclusions set forth.

We submit this essay at a critical moment in American higher education. We hope that it will stimulate discussion about academic governance and, in the process, strengthen the integrity of the nation's colleges and universities and improve their accountability to the public.

ERNEST L. BOYER
President
The Carnegie Foundation for the Advancement of Teaching

PART ONE

THE ROOTS OF INDEPENDENCE

I. The Essential Mission

II. Trustees: The American Tradition

I

THE ESSENTIAL MISSION

WHEN WE BEGAN this study almost 24 months ago, there were widespread complaints about federal instrusion into the administration of colleges and universities. Higher education, it was feared, was fast becoming just another Washington-regulated industry. Every college president, it seemed, had his or her own favorite story about paper work and bureaucratic harassment.

As our work progressed, however, the debate over control of the campus took a new turn. Colleges became more concerned about budget cutbacks than federal control, and we heard fewer complaints about Washington interference. At the same time, intervention by state governments continued to increase, and we also discovered in the course of our study that higher education, through specialized accrediting agencies, was being threatened from within.

Thus, while the debate over academic governance may have shifted, the fundamental issues have not changed. There remains, in the control of higher education, an inherent tension. Colleges and universities are expected to respond to the needs of the society of which they are a part—while also being free to carry on, without undue interference, their essential work.

Ideally, the twin obligations of institutional integrity and public accountability can be kept in balance. In practice, pressures seem continuously to push the campus in one direction, then another. At times, excessive demands of society chip away at the integrity of the uni-

versity. At other times, the academy seems unresponsive to public needs. Therefore, the central issue of our report is this: How can colleges and universities that are increasingly in the nation's service sustain their traditions of self-control while being accountable to the various constituencies they serve?

In recent years, demands for accountability by agencies beyond the campus have caused confusion about where authority is lodged and have worn down the traditional governance structures of higher education. Leadership in the academy has been weakened. We conclude that if the correct balance between integrity and accountability is to be maintained, the academy must assume more responsibility for regulating itself.

We do not suggest that colleges and universities can carry on their work in isolation. There is, in the strictest sense, no such thing as autonomy on campus. Both public and private institutions are socially engaged. They are answerable to the people who support them and cannot be excused from explaining, and perhaps defending, what they do.

However, maintaining the integrity of higher learning is absolutely crucial if society is to be well served. The university is a unique institution, a repository of our cultural heritage and a source of the nation's future intellectual and economic growth. Therefore, the academy must be free to direct, without outside interference, those functions that may, from time to time, challenge, but ultimately will enrich, the culture they sustain.

But how is the essential mission of the university to be defined? Where is the line to be drawn between the campus and the state? In 1957, in *Sweezy* v. *New Hampshire*, the United States Supreme Court considered the rights of a professor who refused to testify about the contents of a lecture given on a college campus. In a concurring opinion, justices Frankfurter and Harlan affirmed "the four essential freedoms of a university: to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study." [1]

This formulation is rooted in a long tradition. The first universities were places where scholars assembled to teach and learn. In twelfth-century Bologna, guilds of students, patronized by wealthy

families, came together to manage their accommodations in the city and to monitor the performance of their instructors. In Paris, masters formed an association in the guild tradition to control the training and certification of their fellow teachers.

The Parisian masters and students received special status within the church that freed them from municipal control. And in 1215, after a conflict between local religious authorities and the university, Pope Innocent III reaffirmed the authority of the masters to grant the coveted license to teach.[2] The freedom of the masters to determine who would teach and what would be taught was vigorously defended, and in 1229, the masters at Paris suspended lectures in a dispute over their corporate jurisdiction.

Oxford, following largely in the Paris tradition, was also organized by teachers. Indeed, during the great suspension of 1229, many Parisian masters migrated to Oxford at the invitation of the English king.[3] Frequent disputes between the campus and the town arose over such matters as rents and the prices of bread and ale. The university, however, appealed directly to the king, who gave the institution considerable independence from the town.

In 1303, King Edward I asked Pope Benedict XI to recognize Oxford's right to grant the *ius ubique docendi*, the license to teach anywhere. King Edward II renewed the request in 1317, this time directing it to Pope John XXII. Although neither pope ever explicitly honored these requests, medieval lawyers reasoned that since Oxford was already operating as a university it must, therefore, possess the corporate authority needed to carry on its work.[4]

Here then is the essential point: The great medieval universities emerged as independent institutions with power and prestige. The universities' authority over who should teach and what students should be taught was firmly established and reinforced by corporate independence. Although institutional autonomy was often challenged by church and state, and although the freedom of individual teachers was often internally restricted by petty regulations, the corporate authority of the university protected scholars from outside control.

In a book on academic freedom, Richard Hofstadter describes how universities created special conditions conducive to scholarship:

In return for their loyalty, teachers were surrounded by an

> institutional framework that supported their pride and security as men of learning and offered them a vigorous defense against interference. Indeed, in great crises the positions even of such heretics as Wyclif and Huss were for a time strengthened by powerful support given them within their universities.[5]

If the integrity of higher education is to be preserved, the academy must have full authority over those essential functions that relate to teaching and research. These include the selection of faculty, the content of courses, the processes of instruction, the establishment of academic standards, and the assessment of performance. Academic integrity also requires that the university have control over the conduct of campus-based research and the dissemination of results. These functions constitute, we believe, the essential core of academic life. It is here that the integrity of the campus must be uncompromisingly defended.

A related point is that the free pursuit of knowledge goes beyond the rights of individual scholars and their students. The violation of academic freedom can occur not only within a university; it can happen *to* a university as well.

University of Wisconsin President Robert M. O'Neil, writing on the issue of autonomy in American higher education, has noted that "all of the academic freedom decisions to date have involved *individual* rights and liberties—to engage in political activity, to teach freely, to join lawfully in controversial groups and the like."[6] O'Neil then proceeds to make this cogent point:

> Individuals within the academic community cannot be free to teach and study if the *institution* is not free. . . . If governmental regulation should seriously invade or disrupt these supportive activities, even without directly abridging the liberty of individual professors or students, a cogent constitutional case could be made for institutional standing to assert its autonomy.[7]

Discovering the precise point at which academic integrity battles should be waged is never easy. All activities on campus ultimately intersect, and the line between the so-called academic and nonacademic

frequently is blurred. Still, some functions are more truly vital than others. The work of scholars and their students is at the essential core, and it is here—where "academic freedom" issues are involved—that the defense of the academy should take place.

There are times, of course, when the essential core of the university collides, or appears to collide, with other values of equal or, perhaps, transcendent merit to society at large. These dilemmas must be candidly confronted and, we hope, resolved. A discussion of the governance of higher education must begin, however, with the recognition that the university is a unique institution with a unique mission. At the heart of the enterprise are those who teach and those who learn. Since human curiosity and potential cannot and should not be constrained, scholars and students must have the freedom required to carry on their essential work.

In this report, then, we examine the governance of higher education. We define governance to include not only the formal decision arrangements by which colleges and universities carry on their work, but also the informal procedures by which standards are maintained. We also include in our definition those forces beyond the campus that shape the policies of higher education and to which the academy must ultimately respond. While we acknowledge that the nation's colleges are fully accountable to their public or private constituents, as the case may be, we accept—as a basic tenet of this report—that the task of governance is to sustain and strengthen the essential academic core.

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II

TRUSTEES: THE AMERICAN TRADITION

A DISCUSSION OF the control of higher education in America must begin with the governing board, where, by law, authority is lodged. In 1637, the Massachusetts legislature created a Board of Overseers for Harvard College with a balanced membership of ministers and government officials. Thirteen years later, the legislature chartered Harvard as a separate "Corporation consisting of seven persons (to wit) a President, five Fellows, and a Treasurer or Bursar."[1] Immediate governance of the college was delegated to this second board, subject to the consent of the overseers.

In Virginia, the College of William and Mary was chartered by the English crown in 1693. Again, a board of trustees was created with fourteen of the original eighteen appointments filled by government officials. However, the William and Mary charter also provided that "the President and Masters or Professors, of the said College, shall be a Body politic and incorporate, in Deed and Name."[2] Thus in Virginia, as in Massachusetts, there was an external governing board *and* a college corporation comprised of those teaching in the college.

Yale, even more than Harvard and William and Mary, became the governance prototype for the nation. In 1701, the Connecticut legislature established Yale as a "collegiate school." The 10 ministers who organized the institution arranged to hold full control in their own hands. A charter granted to Yale by the Connecticut legislature in 1745 recognized president Thomas Clap and the trustees who were

18

the original organizers of the college as a legal corporation—"The President and Fellows of Yale College in New Haven."[3] The distinction was crucial. The college was to be governed by a *single* board of external trustees. Princeton, founded in 1746, and virtually all other colonial colleges, adopted the Yale College corporation model.

In the historic Dartmouth College decision of 1819, the Supreme Court not only vigorously affirmed the independence of that college from the state, but also clearly recognized its board of governors as the corporate body that held college property and exercised ultimate control. No other single action holds greater significance for the governance of American higher education.

Dartmouth was founded in 1769 under a royal charter that granted the founder, Eleazar Wheelock, and his fellow trustees the right to govern the college and hold its property in trust for the original benefactors. When Wheelock died, his son became president. The more liberal John Wheelock, who often found himself in religious and political conflict with the Dartmouth board, ultimately was dismissed.

John Wheelock turned to the New Hampshire state government for help, and got it. The legislature reorganized Dartmouth into a state university, altering its board of trustees, and restoring Wheelock as president. But, in 1819, after four years of dispute and litigation, the United States Supreme Court held that the college charter could not be altered by the state.

Daniel Webster, who represented Dartmouth in its suit, argued that independence was essential to the integrity of the institution. If independence were lost, declared Webster:

> Benefactors will have no certainty of effecting the object of their bounty; and learned men will be deterred from devoting themselves to the service of such institutions. . . . Colleges and halls will be deserted by all better spirits, and become a theatre for the contention of politics. Party and faction will be cherished in the places consecrated to piety and learning.[4]

The Dartmouth ruling strengthened the independence of higher education in America. It also slowed a push to transform colonial

colleges into state-controlled institutions, a movement fostered even by progressive thinkers of the Enlightenment. Thomas Jefferson, for example, writing to the governor of New Hampshire during the Dartmouth controversy, supported the state's position:

> The idea that institutions established for the use of the nation cannot be touched or modified, even to make them answer their end, because of rights gratuitously supposed in those employed to manage them in trust for the public, may, perhaps, be a salutary provision against the abuse of a monarch, but it is most absurd against the nation itself.[5]

The Dartmouth College decision rooted American higher education in very different ground. Control of the college was firmly fixed in the hands of its board of trustees chartered as an independent corporation. The *privilege* of the sovereign to delegate functions was transformed into the *right* of trustees to carry on their work without legislative interference.

The principle of institutional independence spread from private to public colleges and universities as well. When state higher learning institutions were established, their boards of trustees were given corporate power, and some were given constitutional autonomy as well. The goal, ideally viewed perhaps, was to preserve academic freedom by keeping a respectful distance between teaching and research and the short-term political interests of the state.

In 1840, for example, a select committee of the Michigan legislature investigated the disappointing progress of the University of Michigan. In a harshly worded condemnation of constant legislative meddling, the committee stated:

> It is not surprising that state universities have hitherto, almost without exception, failed to accomplish, in proportion to their means, the amount of good that was expected from them. . . . The argument by which legislatures have hitherto convinced themselves that it was their duty to legislate universities to death is this: 'It is a state institution, and we are the direct representatives of the people, and therefore it is expected of us; it is our right . . .' As if, because a university belongs to the people, that were reason

> why it should be dosed to death for fear it would be sick if left to be nursed . . . by its immediate guardians.[6]

In order to keep its higher learning institution from being "dosed to death" the state of Michigan, in 1850, established its university as an independent, constitutionally protected corporation. And in 1896, the Michigan Supreme Court made explicit the autonomy of the regents:

> The board of regents and the legislature derive their power from the same supreme authority, namely, the Constitution. Insofar as the powers of each are defined by that instrument, limitations are imposed, and a direct power conferred upon one necessarily excludes its existence in the other. . . . They are separate and distinct constitutional bodies, with the powers of the regents defined. By no rule of construction can it be held that either can encroach upon or exercise the powers conferred upon the other.[7]

The full implications of establishing state colleges and universities as public corporations are found in a decision of the Illinois Supreme Court in 1943. In this ruling the court declared:

> As long as the present statute is in force, the State has committed to the corporate entity the absolute power to do everything necessary in the management, operation, and administration of the university. . . . The University is a public corporation. . . . As such, it may exercise all corporate powers necessary to perform the functions for which it was created. . . .[8]

Thus, the governmental structure for both public and private higher education in America was set. A corporate board, the courts ruled, *was* the university. It was to that body that the state had delegated power to perform the functions for which it was created. To be sure, this principle was often neglected. The integrity of the public university has been challenged many times by legislative interference, and that of the private college by donors or church officials. Still, a unique structure was in place. Reflecting a tradition rooted in Oxford, Paris, and Bologna, the independence of American higher education had been governmentally and judicially affirmed.

PART TWO

THE ACADEMY REGULATES ITSELF

III. Governance on the Campus

IV. Regional and National Associations

V. Specialization: A House Divided

III

GOVERNANCE ON THE CAMPUS

FROM THE COLONIAL ERA to the mid-nineteenth century, America's colleges, by today's standards, were easily managed. They were small, with uncomplicated organizations. In 1850, the University of Michigan was among the largest institutions in the nation, yet it had only twenty faculty members. Historian Laurence Veysey wrote that "early in the nineteenth century it had been possible to speak of the officers of an entire college—its president, its faculty, and its trustees—as being of one and the same mind."[1]

Theoretically, trustees were at the center of institutional authority. In practice, the mind of an early American college was preeminently the mind of its president. Selected for an unlimited term by the board of trustees, the president ordinarily served as their executive agent. At the same time, he was the principal teacher of the college. Because many college tutors were recent graduates on their way to a different permanent occupation, "only the president could stand before the governing body as a mature man of learning."[2]

Teachers in America's first colleges were a far cry from the specialized and sophisticated professors of today. They were young. They taught all subjects, and, for the most part, stayed with a single class for four years. Their principal governance role was to assist the president in regulating student behavior. At the fifty-one meetings of the Dartmouth faculty in 1828-29, the main items of business were student pranks and disorders.[3]

Gradually, however, campuses became larger, more complex. In

1870, colleges had an average of about ten faculty members and ninety students. By 1910, these averages had quadrupled and some institutions—Michigan and Harvard, for example—enrolled more than five thousand students.[4] Administrative duties were delegated and assignments made more formal. First, librarians were appointed, and then registrars. Deans became common in the 1890s and, at about the same time, a few of the larger universities appointed their first vice presidents.

Arthur Twining Hadley, president of Yale from 1899 to 1921, observed a shift in the presidential role. Hadley said that when he visited Noah Porter, president of Yale from 1871 to 1886, he would find him reading Kant in his "study." Much later, Hadley found Porter's successor, President Timothy Dwight, examining balance sheets in his "office."[5]

The shift noted by Hadley reflected the transformation of the American university between 1876 and 1910. Beginning at Johns Hopkins, influences from continental universities brought research and professionalism to the campus. Within forty years, the new university had displaced the old.

Universities also became home for a new kind of faculty. Ambitious, research-trained holders of the Ph.D. settled on campus, determined to make permanent careers of their academic disciplines. Curricula expanded, and the growth of intellectual specialization brought new power to the faculty. Only trained, sophisticated professionals could conduct the intellectual work of the American college and university.

Daniel Coit Gilman, president of Johns Hopkins University from 1875 to 1901 foresaw that: "The power of the University will depend upon the character of its resident staff of permanent professors."[6] Professor William Rainey Harper's 1902 description of governance at the University of Chicago spelled out this new faculty role in more detail:

> All questions involving financial expenditure fall within the province of the Trustees and are to be considered by them. . . . all appointments to office in the university are made directly by the Trustees upon recommendation of the President . . . on questions of fundamental policy, involving

> the establishing of new Faculties and the change of statutes as established by the Trustees, final action is reserved for the Trustees themselves. *But it is a firmly established policy of the Trustees that the responsibility for the settlement of educational questions rests with the Faculties.*[7]

The growing numbers and specialization of faculty members led to the establishment of academic divisions and departments. By 1891, Harvard had reorganized into twelve divisions, each of which included at least one department. In 1893, Chicago had twenty-six departments and other leading universities followed the same trend.[8] Since 1900, the academic department has been the principal arrangement by which faculties participate in the governance of higher education.

Academic senates and other campuswide arrangements for faculty decision-making spread rapidly with the expansion of higher education following the Civil War. But, even with the growth of faculty influence on campus, presidents continued to have the dominant institutional voice. As late as 1912, a national poll showed that 85 percent of the American professors surveyed still felt limited in their authority and sought a greater degree of participation in campus affairs.[9]

In 1915, the newly founded American Association of University Professors (AAUP) adopted the historic General Declaration of Principles. The declaration argued that the professor must be free from any financial pressure "to hold, or to express, any conclusion which is not the genuine and uncolored product of his own study or that of fellow-specialists." [10] Like federal judges, the professor's tenure in office should be unconditional, and departures from the "scientific spirit and method" should be judged only by faculty peers. However:

> If this profession should prove itself unwilling to purge its ranks of the incompetent and the unworthy, or to prevent the freedom which it claims in the name of science from being used as a shelter for inefficiency, for superficiality, or for uncritical and intemperate partisanship, it is certain that the task will be performed by others. . . .[11]

Thus, faculty self-regulation was called upon to maintain independence of intellectual inquiry, the very core of an academic institution.

In 1966, a *Statement on Government of Colleges and Universities* was issued by the AAUP, the American Council on Education (ACE), and the Association of Governing Boards of Universities and Colleges (AGB). Describing the faculty role, the statement said:

> The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty.[12]

The 1966 statement insisted on the importance of a campuswide perspective to faculty participation in campus governance. In order for the faculty to carry out its role:

> Agencies for faculty participation in the government of the college or university should be established at each level where faculty responsibility is present. An agency should exist for the presentation of the views of the whole faculty.[13]

With this statement, higher education's formal understanding of the place of faculty in governance moved beyond individual and departmental roles to affirm a campuswide responsibility.

In 1965, the role of faculty in the governance of American higher education took another significant turn. In that year the state of Michigan amended its laws to permit public employees to organize and bargain collectively. Two years later, New York's Taylor Law permitted, for the first time, public employees in that state—including teachers and college faculty members—to organize. New Jersey's Public Employment Relations Act followed in 1968. In 1970, the National Labor Relations Board (NLRB) changed its longstanding policy of excluding employees in private colleges and universities from coverage by the National Labor Relations Act.

To date, nearly thirty states permit public employees to unionize.[14] And, as of July 1981, faculty on 737 campuses were represented by an elected bargaining agent. Eighty-seven percent of all unionized

colleges are public. Collective bargaining has been most successful in the community colleges and least successful at the major research universities.

One of the reasons collective bargaining has been resisted by some faculties is the fear that key policy decisions will shift from the campus and be politically controlled, either by central union officials or officers of the state. In our survey, we found that the governor's office handled collective bargaining negotiations in two of the responding states, New York and Pennsylvania; another executive branch office handles it in two others.

The faculty's ability to organize and bargain collectively at private institutions was challenged at Fordham University, C. W. Post Center (Long Island University), and Adelphi University. In each case, the National Labor Relations Board ruled that faculty were not "managerial employees" (who are exempt from the bargaining law) despite their role in academic governance.

However, in 1978, the United States Court of Appeals agreed with the administration of Yeshiva University that its faculty were "managerial employees" and thus the university was not required to negotiate with its own "management." The United States Supreme Court affirmed this opinion in February 1980, citing the "pervasive" influence of Yeshiva's faculty in virtually all areas of institutional policymaking, and stressing that the administration had implemented nearly all recommendations made by the faculty.[15]

The impact of the Supreme Court's decision was immediate and far reaching. At approximately forty private four-year colleges, administrators either refused to recognize an elected faculty union or to bargain with a union already recognized. Several college administrations filed challenges to the faculty union with the NLRB. Some unions were decertified, others were not. Unionization of faculty in the private sector nearly ceased.

Defining faculty as managers is in sharp contrast to the days when presidents ran the institution and faculty were kept busy controlling unruly students. Ironically, the court ruling recognizing the managerial role of faculty comes at the very time debate about governance and faculty participation appears to have declined and

when college teachers on many campuses are not actively involved in key campuswide decisions.

In 1979, college presidents reported that although the academic senate had a high level of influence over curriculum and degree requirements and some influence in long-range planning, in all other areas of institutional policy the influence of the senate was rated low.[16]

Further, our data show that campus administrators continue to exercise a dominant influence in the formulation of education policies at a time when the Yeshiva decision encourages a broader, more communal view of academic governance.

At a 1981 AAUP conference on faculty governance Henry Mason, a noted scholar of the topic, observed that "faculty 'incivism' has increased."[17] Columbia University provides an example where a faculty member reported in the summer of 1977 "certain disillusionment concerning the Senate. . . ." This was supported by the fact that:

> . . . early Senate elections were hard fought contests between a substantial number of nominees but in the last few years there have never been more faculty nominees than vacancies (at least in the Arts and Sciences). Last year, despite an enormous amount of arm-twisting, the graduate school was unable to produce a sufficient number of nominees to fill the vacancies.[18]

Legally, the rights and responsibilities of faculty are still evolving. We are concerned, however, that a decline of faculty participation in campus governance is occurring when many campuses face cutbacks and retrenchment. Difficult choices must be made in the days ahead, and if campus integrity is to be preserved, all members of the academic community—administrators, faculty, and students—must responsibly engage in the governance of higher education.

IV

REGIONAL AND NATIONAL ASSOCIATIONS

UNTIL THE MID-NINETEENTH CENTURY, each college in America was, in academic matters, answerable largely to itself. Educational practices spread informally from one campus to another, and weak colleges borrowed from the more prestigious ones. Still, there were no formally agreed-upon national or regional educational standards to be met.

However, as higher education expanded, pressures to establish standards expanded, too. Between 1860 and 1890 more than 200 new collegiate institutions were freely chartered by the states.[1] Many of the new colleges were born of religious fervor and local pride. They were started almost overnight, with few questions asked by government officials and with no significant oversight arrangements within the academy itself. Thoughtful leaders recognized that if the integrity of higher education was to be preserved, the nation's colleges would have to find ways to regulate themselves.

Thus, a new dimension was added to the governance of higher education. Self-regulation moved beyond the campus as educators voluntarily came together to form associations, to set standards, and, in time, to monitor the performance of their members. These new oversight arrangements added greatly to the academic quality of individual campuses and strengthened the integrity of higher education.

In 1905, Andrew Carnegie established a pension fund for college faculty members. To administer this program, the new Carnegie

Foundation for the Advancement of Teaching had to decide which institutions of higher learning were eligible to participate. The task was not easy. Henry Pritchett, president of the new Foundation, observed that "the terms *college* and *university* have, as yet, no fixed meaning on this continent."[2]

The Foundation's trustees, led by President Charles W. Eliot of Harvard, decided that, to be eligible, a college would have to meet four standards: first, an admission requirement of four years of preparatory or secondary school study; second, a minimum of six full-time professors; third, a four-year course in the arts and sciences; and fourth, a productive endowment of at least $200,000.[3] Crude as it was, a yardstick to measure colleges was in place.

The push for standards also cropped up on another front. In the late nineteenth century, college admissions requirements were in disarray. Preparatory schools had to provide a different course of study for every collegiate institution. In 1885, the principal of Phillips Academy at Andover, Massachusetts, complained that "out of over forty boys preparing for college next year, we have over twenty senior classes."[4]

In response to this confusion, the New England Association of Colleges and Secondary Schools and the Association of the Colleges and Secondary Schools of the Middle Atlantic States and Maryland came together in 1900 to standardize college admissions. Their deliberations led to creation of The College Entrance Examination Board. Within the next decade, twenty-five eastern colleges and universities adopted the new "College Board" examinations.

The protection of academic standards in higher education was also encouraged from abroad. In 1905, the newly minted Association of American Universities (AAU) received a letter from the philosophy faculty of the University of Berlin. Confused by the proliferation of colleges in America and uncertain as to which degrees should be accepted, the German professors had concluded that only those degrees awarded by members of the AAU would be recognized for advanced studies at the University of Berlin. The AAU was reluctant, however, to become the certifying agency for all of American higher education.

Meanwhile, United States government officials moved to fill

the void. In 1910, Kendric Babcock, the "specialist in higher education" in the Federal Bureau of Education, developed a list of American colleges and universities, classifying them on the basis of the success of their graduates in advanced study at AAU universities. The list had four categories, ranging from most to least successful. Only 17 percent of the American colleges were ranked in the first category.

When a prepublication copy of Babcock's proposal was circulated, educators—except, perhaps, those from the top 17 percent—were dismayed. The outcry was so intense that President William Howard Taft forbade its publication. Taft's successor, Woodrow Wilson, a former university president, refused to reverse the order. Samuel P. Capen, one of Babcock's successors, wryly observed, "The bureau learned that there are no second and third and fourth class colleges; that it was an outrage and an infamy so to designate institutions whose sons reflected honor on the state and the nation."[5]

The federal bureaucracy had learned its lesson well. Between 1917 and 1952, the Office of Education confined itself to publishing a list entitled *Accredited Higher Education Institutions*. This list merely reported the colleges and universities accredited by *other* agencies.[6] Government officials refused to do the job themselves.

After Babcock's defeat in this skirmish, the Association of American Universities reluctantly agreed to take a more active role in ranking colleges. In 1914, using, ironically, Babcock's yardstick of graduate success, the AAU produced a list of 119 accredited institutions. The association's own twenty-one members were included, plus all of the colleges approved by the Carnegie Foundation and institutions the Foundation would have approved had it not excluded sectarian schools. This list of AAU-accredited institutions was transmitted to the *Prussian Kultusministerium* and corresponding ministers of other German states.

In 1917, the AAU published a slightly longer list for use by the registrars of American graduate and professional schools. In 1923, the association began to visit institutions as a part of its evaluation procedure, a process that absorbed most of the association's energies until 1948. In that year, after publishing a list of 283 approved institutions, the association went out of the accreditation business. Thus, America's first and only national system of accrediting institutions of higher learning had come to an end.

At the turn of the century, regional accreditation was beginning to emerge, a voluntary procedure that would have enormous significance in the self-regulation of American higher education. On March 29, 1895, representatives of a number of midwestern colleges and universities met in Evanston, Illinois. The final question on their agenda was: "Shall steps be taken looking to cooperation with the New England and Middle States Associations in securing greater uniformity in secondary instruction and in the requirements for admission to college?"[7] The answer was affirmative, and the organization that resulted was the North Central Association.

Academics accepted self-regulation partly because they feared outside control. In 1908, Edmund J. James, the president of the University of Illinois, warned that "the standardization of colleges was going on apace by agencies not wholly in sympathy with them" and that "if the educators desired to have a hand in that matter, it behooved them to act promptly and courageously."[8] In 1909, after some hesitation, the North Central Association adopted explicit standards for higher education institutions in its region. Thus began the movement that would cause a college to be answerable, not only to itself, but also to peers from other institutions of higher learning.

The North Central criteria were rigorous. Colleges were required not only to have 120 semester hours for graduation, but also to be able "to prepare their graduates to enter recognized graduate schools as candidates for advanced degrees." The criteria specified the exact level of endowment or tax support necessary to maintain this educational program, required that library and laboratory equipment be "sufficient," and specified that the construction and maintenance of buildings insure "hygienic conditions." The final standard was general: "the character of the curriculum, the efficiency of instruction, the scientific spirit," as well as the standards for awarding degrees and the general "tone of the institution" would be considered.[9] The North Central Association published its first list of accredited colleges in 1913.

By 1934, educators had growing doubts about the effectiveness of rigid standards, and the North Central Association, which had been the first regional group to adopt a checklist of requirements, became the first to eliminate it. Henry M. Wriston, then president

of the North Central Association, announced that in the future the association would become "less and less a policing body and more and more an organization designed to encourage, to stimulate, and to evaluate." [10]

The pattern set by North Central was followed elsewhere in the country. The Association of Colleges and Schools of Southern States (which became the Southern Association for Colleges and Schools in 1961) issued its first list of accredited colleges and universities in 1919, and the Middle States Association followed in 1921. The Northwest Association of Secondary and High Schools was established in 1917, and within several years adopted North Central's practice and standards of institutional accreditation.

When the AAU discontinued accrediting in 1948, 53 percent of the nation's colleges and universities had been accredited by a regional association.[11] That year, the percentage of institutions that were regionally accredited began to rise even higher as the Western College Association began accrediting. Four years later, the New England Association voted to begin formal accreditation of colleges and universities. By the 1950s, the six regional associations had become a national network for accrediting colleges and universities [12] with emphasis on "assisting institutions" rather than on rigid standards.

In due course, voluntary accreditation was legislatively affirmed. The Servicemen's Readjustment Act of 1944—the so-called "G.I. Bill of Rights"—was the key. Under the law, veterans were entitled to education benefits if they attended institutions "approved" by state education agencies, but no one was sure how an institution was to achieve this approved status. The Veterans' Administration itself had no authority to tell states how to carry out this responsibility. As a result, fly-by-night programs were created. Shocking stories of scandal and abuse began to circulate.

In 1952, the rules were tightened. Congress directed the United States Commissioner of Education to help state agencies determine eligibility by "publishing a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities as to the quality of training offered by an educational institution." [13] The commissioner's first published list of twenty-eight approved accrediting associations was drawn largely from the National Com-

mission on Accrediting, the umbrella association of accrediting bodies.

During the past thirty years, the commissioner's authority to approve accrediting associations has been reaffirmed in at least twenty-five separate statutes. And as accreditation received official blessing, more and more associations sought federal approval. An office called the Division of Eligibility and Agency Evaluation in the United States Office of Education developed detailed criteria to decide which accrediting agencies the government should approve. By 1982, sixty-four associations—both regional and professional—were on the commissioner's (now secretary's) list (Appendix A).[14] Self-regulation in American higher education was now backed by the power of the state. The bureaucracy was kept busy evaluating the evaluators. And access to billions of federal dollars has been limited to institutions accredited by agencies on the approved list.

A marriage of convenience had occurred. The government needed a yardstick to determine which colleges were eligible to participate in federal programs. Rather than do the job itself, educational associations from the private sector—accrediting bodies—were designated by government to act as gatekeepers.

The movement for voluntary self-regulation in American higher education has been remarkably successful. Through regional associations, colleges and universities took the initiative in setting and enforcing standards. Ironically, in the course of this study we found that some college leaders have a casual, and sometimes cynical, attitude toward accreditation.

For many colleges—especially the more prestigious ones—accreditation plays no strategic role and on such campuses preparation for an accreditation visit is perfunctory at best. One administrator, reflecting on his experience as a member of an accreditation team, summarized the situation very well:

> Higher education does not take accreditation seriously enough. It is broadly criticized, readily kicked about, and otherwise ignored. Faculties and administrators from our most esteemed colleges and universities have not been active participants in the process.[15]

The academy is not alone in its failure to regulate itself ad-

equately. Other professions—medicine, law, business—also seem unwilling or unable to establish and maintain high standards. Also as competition for money and students grows more intense, colleges may be still less willing, voluntarily, to impose high standards of conduct on themselves. Yet, if the integrity of higher education is to be preserved, the strengthening of regional accreditation is urgently required. If higher education cannot or will not regulate itself, then public agencies, commercial college guides for students, and the courts will move in to fill the void.

V

SPECIALIZATION: A HOUSE DIVIDED

AS KNOWLEDGE EXPANDED and new disciplines emerged, specialized associations were formed, not only to serve as a forum for ideas but also to protect the special interests of their members. When these professional bodies began accrediting colleges and universities, a powerful new force was added to the informal governance structure of higher education.

The American Medical Association was the progenitor of the specialized accreditation movement in this country. Organized in 1847, it was, from the first, concerned with the quality of medical education. Between 1875 and 1914, some 15,000 doctors educated in Europe returned to the United States, bringing with them new insights about the importance of clinical training and research.[1] Medical schools were challenged to improve their curricula and to tighten entrance and graduation requirements.

The 1910 Flexner report on medical education, sponsored by The Carnegie Foundation for the Advancement of Teaching, had a powerful impact. The number of medical schools was reduced from 155 to 80. "The weak schools literally melted away."[2] In making his inspection of medical schools, Flexner had an "ideal" in mind; it was embodied in the Johns Hopkins Medical School, described by Flexner as "the first medical school in America of genuine university type."[3] Johns Hopkins became the standard against which all other medical colleges would be measured.

The success of medicine in setting standards did not go un-

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noticed. The American Dental Association published its first list of accredited schools in 1918, and the American Bar Association issued its first list in 1923. Throughout the 1920s, associations in fields such as landscape architecture, library science, and music began accrediting programs and institutions. In the 1930s, chemistry, engineering, forestry, and social work followed. Between 1900 and 1949, forty specialized groups became involved in accreditation.[4] Today, fifty-one are on the list approved by the Secretary of Education.

Professional accrediting began with a noble purpose: to establish, on a national basis, educational standards and practices that assure minimum competency of graduates of accredited schools. But by the 1940s, the political power of the process was becoming clear. In 1931, Samuel P. Capen, chancellor of the University of Buffalo, commented:

> When the "standardizing" movement began, there were literally hundreds of institutions, colleges, academies, medical schools, law schools, and dental schools that were selling to the public—often at considerable profit to their backers—educational gold bricks. . . . No such brilliant success has ever attended any other movement in American education.[5]

Only eight years later, however, Capen reversed himself, decrying the fragmentation of academic life:

> I am against standardizing, any standardizing whatever, and against all accrediting. . . . The issue is plain. Is the American university system to be dominated by competitive blackmail, or is it to be conducted in accordance with the best judgment of the boards and administrative officers charged with this responsibility through charters and through legislative enactments? [6]

In 1940, according to the United States government's *Educational Directory,* Samuel Capen's own privately controlled University of Buffalo was accredited by two groups: the Association of American Universities and the Middle States Association. By 1980, the *Directory* reported that the now public State University of New York at Buffalo was accredited by *eighteen* separate organizations. Six additional

organizations accredited the State University of New York Health Sciences Center at Buffalo. Buffalo's list of accreditations includes National Architectural Accrediting Board; National Association of Schools of Art; American Speech, Language and Hearing Association; American Assembly of Collegiate Schools of Business; American Psychological Association (clinical); American Psychological Association (counseling); and the list goes on.[7]

While professional associations moved to raise the standards of their profession, some groups also used the accrediting process to impose unreasonable and restrictive standards on the campuses.

The American Occupational Therapy Association, for example, spells out in detail how it expects to be involved in the administration of campus programs. The accreditation standards of the association include this telling statement:

> When the Director of the educational program is replaced, immediate notification shall be sent to the accrediting organization(s). The curriculum vitae of the new director, giving details of training, education and experience in the field, must be submitted. These credentials must be acceptable in order that the current accreditation status of the program be continued.[8]

The Council on Chiropractic Education goes one step further. This body, in its accreditation guidelines, sets forth budgeting standards as follows:

> It is felt that an institution depending upon tuition monies for more than 80 percent of its total educational and general expense is in a precarious position.[9]

And the American Veterinary Association calls for sweeping authority to review decisions of the campus:

> When an accredited or approved college contemplates fundamental changes in its administration, organization, association with its parent institution, curriculum, faculty, organization, instructional program, or stated objectives, the Council should be provided an opportunity to review the proposed changes prior to adoption.[10]

The Accrediting Bureau of Medical Laboratory Schools, now the Accrediting Bureau of Health Education Schools, requires that the institution being accredited provide intricate administrative detail:

> All accredited institutions are required to report the names of full-time and part-time instructors, listing their educational qualifications, affiliations, and other data the Bureau may require regarding the faculty members. Any changes in faculty shall be reported to the Bureau within 30 days.[11]

The American Assembly of Collegiate Schools of Business actually dictates, through accreditation, the advanced degrees the faculty must have:

> As a measure of the faculty's teaching, research, applied knowledge, and overall scholarly capability, at least 80 percent of the full-time equivalent academic staff . . . will possess qualifications such as the Ph.D., DBA, JD, or LLB, masters with professional certification such as the CPA, and appropriate masters degrees (or the equivalent).[13]

Specialized accrediting bodies often dictate detailed teaching load requirements. For the business schools the proposed faculty load is twelve credit hours; in chemistry it is fifteen contact hours; eight to nine contact hours are required for teachers of lecture courses in art. And, according to accreditation standards, the maximum faculty-student ratios must be 1:15 in journalism; 1:10 in dietetics; 1:14 in landscape architecture; 1:20 in forestry.[12]

Many specialized agencies even dictate the exact length of the academic program. Podiatry, requires that the minimum length of the professional curriculum "shall be four academic years. An academic year is defined as at least 30 instructional weeks."[14] The law schools insist on a total of ninety full weeks of work, defining a "class hour" as "a unit of classroom instruction of 50 to 60 minutes in duration. An additional fraction of a class hour may only be completed in increments of 10 minutes or more. Examples of acceptable units of instruction are 50, 60, 70, 80, and 90 minutes in duration."[15] The chiropractors require a minimum of 4,200 hours presented over eight semesters.[16]

The unevenness of specialized accreditation also should be noted. Why, for example, should some disciplinary associations accredit institutions while others do not. Why engineering but not physics or mathematics? Why business but not economics? Why social work but not sociology? Why journalism but not English?

We are especially concerned about the linkages between specialized accreditation and occupational licensure by state governments. Between 1870 and 1900, forty-six statutes licensing seventeen occupations were enacted. An even larger flood of legislation occurred between 1911 and 1915. During this four-year period, 110 statutes licensing twenty-four occupations were enacted. By 1952, seventy-five occupations were licensed by one or more states.[17]

Through this process, specialized associations, indirectly at least, also control key decisions on the campus. At least twenty-one specialized accrediting associations have persuaded states that graduation from an accredited program is necessary for licensure in that occupation. Today such licensing requirements enable specialized accrediting agencies to wield enormous power over higher education. Legally, the power to license rests with the state. In fact, specialized associations have been relied upon far beyond their founders' dreams to dictate legislation.

The state does, of course, have a stake in the health and safety of its citizens. And establishing state-controlled standards for practitioners in certain fields is crucial. Still, it is hard to believe that health and safety standards extend to all of the occupations that are now licensed by a state or local government, including real estate, private detecting, plumbing, and landscape architecture. It is even more difficult to believe that practitioners in twenty-one separate fields must graduate from an accredited program before they can even qualify to take the state licensing examination. Such specialized accreditation, when linked to certification by the state, has, to some considerable degree, weakened the authority of the campus.

The issue is not whether scholars should organize into disciplinary associations. Nor is the setting of standards being challenged. Rather, it is how detailed the oversight requirements should be and, in the larger sense, how these detailed requirements relate to the integrity of the campus and to the ability of each institution to control essential academic matters.

If specialized accreditation is used to protect the turf of a specific department against the larger interests of the institution, the campus becomes a holding company for special interests, receiving from each professional team its non-negotiable demands. Then, the integrity of higher education is violated by pressure from within.

PART THREE

IN SERVICE TO THE NATION

VI. The State: From Expansion to Retrenchment

VII. The Federal Connection: More Students, More Research

VIII. Congress, the Courts, and Civil Rights

IX. Limits of Government Regulation

VI

THE STATE: FROM EXPANSION TO RETRENCHMENT

MIDPOINT IN THIS CENTURY, the nation's colleges and universities were called upon to serve more students and generate new knowledge. Old campuses were expanded. New campuses were built. Laboratories were refurbished, and massive numbers of students were enrolled. Almost overnight the relationship between higher education and government took a dramatic turn. Colleges and universities that had, for years, lived in relative isolation now found themselves caught up in national objectives.

State government took the lead in this expansion. In 1950, the states contributed $490 million to the operating incomes of public colleges and universities. By 1980 they were providing $17.6 billion annually.[1] From 1950 to 1980, enrollment in the public sector increased from 1.1 to 9.0 million students.[2] The number of public institutions more than doubled[3] and during the decade of the 1960s two-year colleges grew at the rate of nearly one each week.[4]

Private institutions also felt the impact of this expansion. Between 1950 and 1980, more than 465 new independent institutions were established, financed, in this case, mainly by nonpublic funds. Enrollment in the private sector more than doubled—from 1.1 to 2.5 million students.[5]

With this expansion, the governance structure of American higher education became more complex. From 1950 to 1970, many public colleges and universities were reorganized into multicampus

"systems" with a single governing board. Some states organized several multicampus systems. Free-standing public institutions increasingly became the exception rather than the rule. Today, in twenty-one states, a single "consolidated" board governs all of public higher education in the state.

Statewide coordinating councils or commissions formed yet another tier of decision-making in higher education. As budgets and enrollments burgeoned, "coordination" became the code word for efficiency and rational planning. In some states, coordinating units were organized as early as 1940. By 1982, all but three states (Delaware, Vermont, and Wyoming) had a coordinating agency for higher education (See Table 1).

The authority granted to these coordinating boards varied greatly from state to state. In nineteen states, the agency has regulatory functions in specific areas such as budget review. Seven states have coordinating agencies that are advisory only. In the twenty-one states with a single consolidated governing board, the coordinating function is served by that board.

Master planning became the order of the day. By the end of the growth decade of the 1960s, thirty-eight states had adopted or drafted master plans. In the same number of states the higher education coordinating agency was given authority to prepare a consolidated higher education budget.

Meanwhile, statewide coordination was being pushed by Congress. The Higher Education Facilities Act of 1963 required that states participating in federal programs "shall designate . . . an existing state egency . . . or, if no such agency exists, shall establish such a state agency to coordinate plans with the federal government. . . ."[6] Similar provisions found their way into the Higher Education Act of 1965.

In the Education Amendments of 1972, section 1202 authorized the states to designate a new or existing state agency as the recipient of federal funds available for the improvement of postsecondary planning. This law inspired fifteen states to create new agencies. It also required that the coordinating agency be broadly "representative of *all* education."[7] Thus, through the 1202 commissions, private colleges and universities were given a voice in state coordination of higher education.

In the 1970s, growth slowed and budgets tightened in many states. "Avoiding duplication," "slowing proliferation," and "cutting out wasteful programs" became urgent new priorities even though no one seemed quite sure where the surgery should begin or end.

State budget officers and legislative oversight committees tightened their control over fiscal and administrative responsibilities traditionally controlled by presidents, vice presidents, and deans. State coordinating officers turned to the review of academic programs, a function historically controlled by faculties and accrediting associations.

What has been the impact of this new relationship between the campus and the state? With public officials increasingly involved in the oversight of higher education, has the integrity of colleges and universities been threatened?

The creation of new coordinating boards as intermediate units—standing between the campus and the legislature or governor's office—was a reasonable approach during an era of spectacular expansion. While campus autonomy in administrative matters was predictably restricted, the intellectual freedom of the nation's colleges rarely was challenged. The new planning structures and new accountability obligations were a small price to pay for the dramatic social and academic gains that were made because of state support.

Further, the results of our own survey of decision-making in higher education strongly suggest that control beyond the trustee level remains quite limited. In only eight states are government agencies involved in a significant number of the key decision areas that were studied. Presently, Pennsylvania, Connecticut, Florida, and New York are, in that order, the most restrictive.

Statewide planning, however, has changed the governance structure of higher education. America's colleges and universities are no longer viewed as wholly independent institutions. Instead, they have become "units" in a "statewide system." Private institutions often are included in this "integrated network" even though their location was frequently an accident of history and even though their outreach often extends far beyond the boundaries of the state.

Looking ahead, we see new dangers in the relationship between the campus and the state.

TABLE 1.
EVOLUTION OF COORDINATING PATTERNS WITHIN STATES

State	Before 1940	1940-1949	1950-1959	1960-1964	1965-1969	1970-1982
Alabama	I	I	I	I	III	IIIa
Alaska	IV	IV	IV	IV	IV	IV
Arizona	I	IV	IV	IV	IV	IV
Arkansas	I	I	II	III	III	III
California	I	II	II	III	III	III
Colorado	I	I	I	II	IIIa	IIIa
Connecticut	I	I	I	I	IIIa	IIIa
Delaware	I	I	I	I	I	I
Florida	IV	IV	IV	IV	IV	IV
Georgia	IV	IV	IV	IV	IV	IV
Hawaii	IV	IV	IV	IV	IV	IV
Idaho	IV	IV	IV	IV	IV	IV
Illinois	I	II	III	IIIa	IIIa	IIIa
Indiana	I	I	II	II	II	IIIa
Iowa	IV	IV	IV	IV	IV	IV
Kansas	IV	IV	IV	IV	IV	IV
Kentucky	III	III	III	III	III	IIIa
Louisiana	I	I	I	I	IIIa	IIIa
Maine	I	I	I	I	IV	IV
Maryland	I	I	I	III[1]	IIIa	IIIa
Massachusetts	I	I	I	I	IIIa	IV
Michigan	I	I	II	II[2]	III	III
Minnesota	I	I	II	II	III	III
Mississippi	IV	IV	IV	IV	IV	IV
Missouri	I	I	II	III	III	IIIa

I No state agency
II Voluntary coordination
III Coordinating board; advisory powers
IIIa Coordinating board; regulatory powers
IV Consolidated governing board

	Before 1940	1940-1949	1950-1959	1960-1964	1965-1969	1970-1982
Montana	IV	IV	IV	IV	IV	IV
Nebraska	I	I	I	I	II	III
Nevada	IV	IV	IV	IV	IV	IV
New Hampshire	I	I	I	IV	IV	IV
New Jersey	I	I	I	I	IIIa	IIIa
New Mexico	I	I	IIIa	IIIa	IIIa	IIIa
New York	IIIa	IIIa	IIIa	IIIa	IIIa	IIIa
North Carolina	I	I	IIIa	IIIa	IIIa	IV
North Dakota	IV	IV	IV	IV	IV	IV
Ohio	I	II	II	IIIa	IIIa	IIIa
Oklahoma	I	IIIa	IIIa	IIIa	IIIa	IIIa
Oregon	IV	IV	IV	IV	IV	III[3]
Pennsylvania	I	I	I	III	III	IIIa
Rhode Island	IV	IV	IV	IV	IV	IV
South Carolina	I	I	I	III	IIIa	IIIa
South Dakota	IV	IV	IV	IV	IV	IV
Tennessee	I	I	I	I	IIIa	IIIa
Texas	I	I	IIIa	IIIa	IIIa	IIIa
Utah	I	I	III	III	IV	IV
Vermont	I	I	I	I	I	I
Virginia	I	I	III	III	III	IIIa
Washington	I	I	I	II	III	III
West Virginia	I	I	I	I	IV	IV
Wisconsin	I	I	III	III	IIIa	IV
Wyoming	IV	IV	IV	IV	IV	I

1. Became a coordinating board with advisory powers (III) in 1962 and a coordinating board with regulatory powers in 1963.
2. Became a coordinating board with advisory powers in 1964.
3. A coordinating agency was established in 1975 to oversee all public and private educational systems, but the consolidated governing board also continues to operate for postsecondary education.

Source: This table has been adapted from Robert O. Berdahl, *Statewide Coordination of Higher Education*, Washington, D.C.: American Council on Education, 1971, pp. 34-35.

Our survey shows, for example, that when academic decisions are dominated by budget considerations, effective authority tends to move beyond the campus. In such matters as determining campus missions and establishing undergraduate, graduate, or professional programs, state officials become more active. In at least three states, the legislature now determines student-faculty ratios.

In several states, government agencies also have moved to evaluate and eliminate academic programs. This, we conclude, is a move in the wrong direction. If such program review is expanded, and if external bodies not only report their findings but actually terminate, reduce, or transfer programs, dangerous precedents will be established. Such actions by a state agency could, by accident or design, fundamentally change the mission of a campus through a process in which the governing board, the president, and the faculty are bypassed. Further, for the state to decide which programs are "acceptable" and "unacceptable" may open the door not only for *academic* oversight, but *political* oversight as well.

Educational quality is, of course, essential, and states have a right to call upon universities to review periodically their academic programs and report their findings. Also, state officials may join accrediting teams in their regular campus visits, and request accrediting bodies to make special visits to examine selected fields of study. In the end, however, the academy must assume primary responsibility for this function.

On quite a different front, we are troubled that the enrollment-driven budget formulas adopted during an era of rapid growth continue to be used during a period of decline. The facts are brutally simple. If enrollment declines, the costs to the college are not proportionately diminished. Classrooms must still be maintained and professors must still be paid. If enrollment-driven funding formulas are rigidly applied during a period of decline, the impact will be a sharp erosion in the quality of education.

Some states have considered new budgeting procedures that distinguish between costs that vary with enrollment, and those that are fixed. Ohio has developed new plans that would maintain between 70 and 75 percent of state funding for an institution even if its enrollment falls 40 percent. A proposal in Oregon relates funding

not to the traditional average cost per students, but to the cost of maintaining educational quality based on funding levels in comparable states. We believe every state should develop budgeting procedures that go beyond the simplistic, enrollment-driven yardstick.

We are also disturbed that state governments often fail to reward efficient leaders. All too often, savings automatically revert to the state. Flexibility is denied, and money cannot be transferred from one budget category to another. In the process, incentives for efficiency are destroyed.

Again, a few states are breaking out of this counterproductive rigidity. In Colorado, the University adopted a system of performance budgeting that provides for internal review of the cost and quality of its programs. In response, the legislature eased its control, reducing the number of specific categories in the university's budget from seventeen to one.

If state control is too restrictive, and if uniform formulas are rigidly imposed, one of the most important qualities of American higher education—diversity within and among campuses—will be lost. Nell Eurich, in a comparative study of higher education systems, contends that strengthening diversity should be an explicit goal of statewide coordination along with the more traditional goals of efficiency and equity. She observes:

> If diversity is to be preserved and increased to provide for the untold interests and abilities of man—the great learning potential—then the also human tendency to organize affairs to the point of uniformity must be wisely controlled and examined carefully at each step to strengthen the differentiation within higher education systems.[8]

It would be ironic indeed if state supervision of higher education were to become unduly bureaucratic and heavy handed at the very time decentralization and self-regulation are gaining favor elsewhere. Increased oversight does not necessarily lead to greater efficiency and effectiveness in any organization, especially in higher education. In fact, if campuses are not actively involved when tough decisions must be made, authority is drained, priorities become confused, morale plummets, and efficiency declines.

Without question, the state's role in the expansion of higher education has been remarkably successful. Colleges have been chartered and budgets have skyrocketed. Clearly, the benefits of state support have far outdistanced the abuses.

We warn, however, that to impose suffocating requirements on colleges at a time when flexibility is required is the wrong prescription. In a climate of retrenchment, the nation's campuses must be given incentives to achieve efficiency in the management of their affairs. To cut back in both money and flexibility is to make a difficult situation almost hopeless.

VII

THE FEDERAL CONNECTION: MORE STUDENTS, MORE RESEARCH

WHILE STATE GOVERNMENTS provided *general* support for the nation's public colleges and universities, the federal government, during the past forty years *targeted* its support on two critical national objectives: expanding student access and generating new knowledge. As federal funding massively increased, Washington became deeply involved in the fiscal and administrative oversight of higher education.

The Servicemen's Readjustment Act of 1944—the G.I. Bill—was a watershed. By 1956, the United States government had spent about $5.5 billion on higher education for veterans.[1] Nearly 8 million veterans eventually received training, and over 2 million of them attended colleges and universities.[2] In spectacular fashion, higher learning and the federal government had become inextricably interlocked.

In 1965, Congress passed the Higher Education Act. That law, with its Educational Opportunity Grants and Guaranteed Student Loans, further extended Washington's role in higher education. Expanding access became national policy. In 1972, Congress transformed the act's benefits into direct entitlements to needy students. The Middle Income Student Assistance Act of 1978 made still more students eligible for federal loans and grants. In 1981, federal student aid in the Department of Education alone totalled over $6 billion.[3]

Even before the explosive impact of the G.I. Bill, the nation's

universities were linked to the federal government on another front. In 1941, Vannevar Bush, a pioneer in computer science, former president of the Massachusetts Institute of Technology, and later president of the Carnegie Institution of Washington, took the lead in establishing what became the Office of Scientific Research and Development. The approach of this new agency was novel. James Conant, president of Harvard and a participant in the effort, wrote of it:

> I shall never forget my surprise at hearing about this revolutionary scheme. Scientists were to be mobilized for the defense effort in their own laboratories. A man who we thought could do a job was going to be asked to be the chief investigator; he would assemble a staff in his own laboratory if possible; he would make progress reports to our committee through a small organization of part-time advisers and full-time staff.[4]

As the war drew to a close, Vannevar Bush—in response to a request from President Roosevelt—urged a federal commitment to basic research in peacetime. Bush's publication, *Science, the Endless Frontier: A Report to the President on a Program for Postwar Scientific Research*, released in 1945, is the fundamental text for the modern partnership between government and university science. Bush wrote:

> The publicly and privately supported colleges, universities, and research institutes are the centers of basic research. They are the wellsprings of knowledge and understanding. As long as they are vigorous and healthy and their scientists are free to pursue the truth wherever it may lead, there will be a flow of new scientific knowledge to those who can apply it to practical problems in government, or in industry, or elsewhere.[5]

By becoming the university's major patron for research, the federal government assumed new obligations. The most obvious was financial. The level of federal support for university research increased from less than $40 million in 1940 to $138 million in 1953 to $3.4 billion in 1979.

What, in fact, has been the governance impact of the expanded

federal role in higher education? Has increased federal support threatened the integrity of the campus? If so, where have the threats been most acute?

We conclude that, tensions notwithstanding, the student aid partnership between government and higher education—from a public policy perspective—has been outstandingly successful. While there have been skirmishes from time to time, and while the administrative burden is severe, millions of students have been helped and the academic integrity of institutions has not been undermined. Most colleges agree that the paperwork is a small price to pay for the expansion of educational opportunity and the increase in student choice.

Still, there have been problems. As student aid became a multibillion-dollar program, government oversight predictably expanded. In 1964, the General Accounting Office released a critical report on the student loan program. The title itself is revealing: *Weaknesses in Administration of Student Loan Programs Under Title II of the National Defense Education Act of 1958.* A year later, a House subcommittee announced a 16 percent delinquency rate under the National Defense Student Loan Program.[6] Poor institutional management was blamed.

Troubled by what appeared to be inadequate administration of student aid and embarrassed by sensationalized headlines about defaults on loans, Congress began to tighten the legislative screws. Two astute observers of the debate on the Education Amendments of 1972 wrote:

> The 1972 Act reinforces the mandate of the General Accounting Office . . . to audit federal education programs. . . . The GAO is also directed to 'evaluate' federal education programs and projects. . . . Finally, the law also incorporates provisions that seem to move federal policy in the direction of cost accounting standards.[7]

The fat was in the fire. Colleges and universities were discovering that federal support meant federal oversight as well. The Office of Education built a separate system for monitoring student assistance funds. Private collectors were hired by the government to track down

defaulters. Campuses were required to secure outside biennial audits of student aid funds and report the findings to Washington.

In administering the G.I. Bill, the Veterans' Administration (VA) issued rules on everything from institutional eligibility to attendance records. Campuses were, quite properly, disturbed by these crude attempts to dictate how they should carry on their work. In 1976, Wayne State University sued the VA when the agency reduced benefits to veterans enrolled in the university's College of Lifelong Learning, a program that emphasizes independent study. The university's president, George E. Gullen, Jr., labeled the action a "severe and unwarranted intrusion into the academic governance" of the institution, arguing that the regulation "presumes that academic quality of a program is a direct function of classroom contact hours."[8] The Federal Court of Appeals, however, upheld the right of the VA to take the action challenged by Wayne State. The university was forced to modify its program.

The dramatic expansion of federal student aid programs also opened an old wound—how to determine which colleges are eligible for federal funds. While the government traditionally had relied on private accreditation agencies, this process did not weed out financially shaky and administratively careless institutions. Many colleges—even with accreditation—had high default rates on student loans. But if accreditation teams cannot measure fiscal integrity, who is to decide? The issue came to a head in 1980 when the Carter Administration proposed to sever the relationship between institutional eligibility and accreditation. The Department of Education itself would evaluate colleges, thus reintroducing the battle Kendric Babcock engaged in forty years before. Congress, like President Taft, rejected the proposal.

In 1982, Secretary of Education Terrel Bell acted unilaterally to weed out institutions with a poor track record in the administration of student aid. He declared that any previously eligible institution with a student default rate of 25 percent would be restricted in participating in the direct student loan program, irrespective of its accreditation status.

In assessing the impact of federal student aid on the nation's campuses, there remains one overarching issue. Today, hundreds of

campuses receive much of their annual revenue from these programs. A network of federally-dependent institutions has been created and the distinction between public and private colleges has been blurred.

In 1978, federal student aid funds (excluding guaranteed loans) were equal to about 50 percent of the tuition revenues at public comprehensive colleges, and to more than 45 percent of tuition income at public two-year colleges.

At private liberal arts colleges, federal student aid, (again exclusive of guaranteed loans) was equivalent to more than 25 percent of the tuition revenues. In aggregate, this federal support represents about 13 percent of the total income of private liberal arts colleges—a level of dependence that would have startled private college presidents not many years ago.[9]

The governance implications of this dependency are profound. American higher education is only beginning to grasp the significance of having all campuses, in some measure, financially dependent on Washington. This may, in the long run, prove to be the most important governance issue to be faced.

We do not propose that the federal student aid programs should be restricted. Equality of opportunity must continue as the bedrock educational policy of this nation. We do suggest, however, that individual colleges monitor closely their sources of support, seeking to avoid a disproportionate dependence on federal aid. And we remind government officials that, in the administration of these programs, maximum flexibility and continuity are essential.

HOW ABOUT THE GROWTH of federal support for university-based research? What has been the governance impact of this program? Has academic integrity been threatened?

Once again, the relationship between government and higher education has been, from a national perspective, remarkably rewarding. Federally-financed research laboratories contributed greatly to the Allied victory. The development of radar to which the Massachusetts Institute of Technology made crucial contributions, may, alone have saved Great Britain from invasion. During the war, almost everyone agreed that the interests of both government and the uni-

versity were well served by the nation's support of basic and applied research.

This comfortable relationship—too comfortable perhaps—between the federal government and the nation's leading universities was fostered at least, in part, by those who ran the program. Almost without exception, directors of federal research agencies came from university campuses. They understood the traditions of higher education. No one, not even a hard-headed politician, was inclined to challenge the system of peer review used to select projects and maintain quality control.

This is not to say that the relationship between government and the campus has been friction-free. Billions of public dollars could not be sent to the nation's universities without an occasional conflict over how the money should be spent. The annual "indirect cost" negotiation between a university and the government, for example, has often been a source of irritation. The university wants more support to cover so-called "hidden costs," while federal funding agencies have identified abuses and, understandably, are suspicious of paying for costs not directly related to the projects they fund. Today, institutional indirect cost rates vary greatly. Among the twenty largest National Institutes of Health grantees, the range is from a high of 63.8 percent to a low of 24.4 percent.[10]

Also, federal officials have repeatedly charged that university accounting and management are unsound. A 1978 General Accounting Office report concluded that campus procedures did not "provide a reliable basis to verify the validity of many direct costs charged to research, especially personnel costs" and that "many of these charges are not related to the specific grant charged."[11] Another General Accounting Office study held that universities did not have the inventory systems needed to avoid duplication in the purchase of equipment already available on the campus.[12]

In response to these charges, the Office of Management and Budget proposed in 1979 controversial new guidelines. Among other things, the proposed regulations, popularly known as Circular A-21 Revised, called for a reporting and categorizing of 100 percent of the activities of researchers supported by federal funds.[13] Academics were appalled. Such detailed requirements, they argued, reflected ignorance

of the nature of research. One university medical researcher put the point bluntly: the government's "petty requirements" were a "dishonest ritual."[14] Also, A. Bartlett Giamatti, president of Yale University, commented that "some individuals in the government must misunderstand completely that it is impossible to segregate teaching from research from administration in doing basic research and to assign percentages to these false distinctions."[15]

The irony is that government's call for more detailed accounting procedures did not originate in the actual misuse of funds. In fact, during fiscal year 1977, the Department of Health, Education and Welfare audited $1.2 billion worth of research grants and contracts to institutions of higher education and found that only $13.2 million had been misspent or misapplied.[16] The "violations"—which included such technical matters as charging time or purchases to the wrong grant—accounted for a mere 1.1 percent of the total amount audited. By contrast, HEW's own error rate was estimated to be about 6 percent.[17] Government's real concern seemed to be that about $420 million of the $1.2 billion "was not adequately documented, as required by federal rules,"—not that there was clear evidence of abuse.[18]

Procedural problems such as these have caused friction. However, the fundamental question is this: To what extent has the research relationship between the federal government and the campus violated the integrity of the university? Has the independence of scholars—their right to conduct research and disseminate results freely—been threatened? We conclude that, with few exceptions, the federally-funded research program has been appropriately administered by agencies in Washington. Conflicting interests of government and science usually have been resolved in a spirit of cooperation. In short, we consider it a great achievement that so much public money has been channeled to the nation's campuses with so little interference.

However, several recent episodes have raised red flags that cannot be ignored. In the mid 1970s, there was vigorous debate over how best to regulate research on recombinant DNA. Both scientists and laymen were concerned that the creation of novel organisms could endanger public health. After a group of scientists declared a moratorium on this form of research, the National Institutes of Health developed guidelines for genetic engineering experiments. Government held, quite properly we believe, that it had an obligation to

protect the rights, health, and safety of citizens. In principle at least, this obligation appeared to take precedence over a scientist's right to direct, without restriction, his own inquiry. Still, the government's original regulations, which were considered unduly restrictive, were modified as the university demonstrated its awareness of the health and safety issues involved and developed machinery to monitor itself.

HEW's move to protect the rights of human subjects also threatened to involve a federal agency too deeply in research. The agency's proposed regulations called for prior review of research designs, were also extended to research *not* funded by the government, and required prior consent of subjects even in studies with little or no potential harm. Such intrusive oversight would have threatened the integrity of higher education. In the end, government backed off, delegating enforcement, through a peer review process, to the academy itself.

Finally, there is the delicate issue of national security. During World War II, universities usually accepted secret military contracts without question. However, such contracts were heatedly debated during the 1960s, and, with the emergence of the nuclear freeze movement, they have become so again. Some scientists have refused, on principle, to engage in such investigations, arguing that it violates the whole notion of free and open inquiry. Questions surrounding this clash of fundamental values continue to be unresolved.

Today, for example, government officials fear that unrestrained publication of cryptography research could help scientists in other nations break our highly secret and sensitive codes. They also warn that visiting foreign scholars could carry away knowledge about such fields as robotics that would neutralize our technological advantage in emerging disciplines. Early in 1982, Admiral Bobby Inman, then deputy director of the Central Intelligence Agency, warned that unless universities allowed the government to review research results with military applications before they were published a "tidal wave of public outrage" would force the government to impose stringent restrictions.[10]

Research scholars on the other hand, emphasize that free discourse is the lifeblood of our scientific preeminence. William Carey, executive officer of the American Association for the Advancement of Science, warned that if proposed expansion of government classifi-

cation of scientific research were adopted, "much of the normal discourse of science will be silenced and progress arrested. If we then doubled the federal dollars for basic research, I do not think it would make up our losses."[20]

In a move to mediate these conflicting interests, the American Council on Education developed procedures by which cryptography scholars voluntarily submit papers for review by the National Security Agency. The National Academy of Sciences decided to review government restrictions on visiting scholars to see if they were "workable and compatible with the general procedures for conducting unclassified research in an academic environment."[21] Conflicts between academic freedom and national security will never be completely resolved, but the work of these mediating agencies indicates how compromises can be fashioned.

This brings us back to the essential point. The most fundamental threat to institutions of higher learning is interference—either accidental or by design—in the actual conduct of research. When this occurs, the integrity of the institution is eroded. While the federal government has generally been respectful of the university's right to independence, we view with apprehension any move to introduce political ideology into the process of peer review, or to dictate the topics and the terms of research support. Such a policy undermines the very foundation of creative inquiry upon which the university is built.

In the days ahead, government's role in the conduct of research will grow more, not less, complex. As new knowledge pushes us further and further into inquiries that could profoundly affect the quality of life on earth, new tensions inevitably will emerge. Matters addressed by science increasingly will be moral and ethical in character, sometimes having practical, even life-and-death implications for the national welfare. Manipulation of genes involves researchers in the control of life forms. Biological control of crop pests also has disturbing military implications. Where is the line to be drawn? By whom?

Success in reconciling these potentially serious differences suggests the following: when the fundamental rights of the campus and the fundamental responsibilities of government collide, public offi-

cials have an obligation to pose the basic questions, develop general guidelines, and then give the university the opportunity voluntarily to regulate itself. Universities, in turn, have a responsibility to meet the challenge. Only a relatively few higher learning institutions have been significantly touched by these massive increases in public research funding. Still, those institutions involved are among the nation's most distinguished, and if their integrity is eroded the entire enterprise is threatened.

We conclude that the nation's research institutions, individually and collectively, must be fully accountable in the expenditure of research funds. However, we also conclude that they must vigorously resist any regulation that would impose limits on the conduct of research and weaken the integrity of the institution at its core.

VIII

CONGRESS, THE COURTS, AND CIVIL RIGHTS

WITH ITS LANDMARK decision in *Brown* v. *Board of Education* in 1954, the United States Supreme Court launched a social revolution that would profoundly affect the control of higher education. A succession of sweeping laws guaranteeing equal opportunity to all Americans has had a substantial impact on the relationships among the academy, the federal bureaucracy, the courts, and society at large. Such laws and related court actions were required to overcome inequity toward members of minorities, women, and handicapped people, and to accomplish reforms that higher education had too long neglected or openly resisted.

The key legislative measure promoting equal rights was the deceptively brief Title VI of the Civil Rights Act of 1964, which outlawed discrimination on the basis of race, color, or national origin in "any program or activity receiving federal financial assistance."[1] The same act, under Title VII, also bars discrimination in employment on the basis of sex as well as the other categories. In 1965, President Lyndon B. Johnson issued Executive Order 11246 requiring all federal government contractors to take affirmative action to end discrimination. As amended in 1967, the order also forbade discrimination on the basis of sex.

At first, colleges and universities were exempted from the provisions of Title VII, but, in 1972, Congress amended the act to include higher education. In taking this step, Congress declared:

> It is difficult to imagine a more sensitive area than educational institutions, where the youth of the Nation are exposed to a multitude of ideas and impressions that will strongly influence their future development. To permit discrimination here would, *more than in any other area,* tend to promote existing misconceptions and stereotypical categorizations which in turn would lead to future patterns of discrimination.[2]

The 1972 Education Amendments (specifically Title IX) barred discrimination on the basis of sex in educational institutions. A year later, Section 504 of the Rehabilitation Act prohibited discrimination on the basis of handicap in any federally assisted program or activity. As in the 1964 Civil Rights Act, these laws gave government the power to cut off federal funds to any institution found to be in non-compliance.

In the 1970s, federally mandated health and safety requirements were extended to the nation's campuses. Higher education also felt the impact of the consumer protection movement. In 1974, the so-called "Buckley Amendment" gave students the right to control their personal college records. It is at points such as these—where issues of individual rights and social justice intersect with long-established and deeply cherished traditions of academic governance—that the academy confronts some of its thorniest dilemmas.

This brings us to the fundamental question: In matters relating to the enforcement of individual rights, has an appropriate balance been maintained between public accountability and the integrity of the campus?

The point of departure for any discussion of these problems must be for institutions of higher education to acknowledge past failures to promote equality and to reaffirm their absolutely unwavering commitment to fairness and equity for all in matters of recruitment, hiring, and advancement. Colleges also should acknowledge that discrimination practices on some campuses have not been limited to faculty employment. They have included student recruitment, admissions, grading and class placement, too. Still, even among college administrators who acknowledge the urgent need for fair practices and strong civil rights enforcement, we encountered during our study

sharp complaints about the enforcement methods used by federal officials. Academics are critical, for example, of government threats to cut off *all* funding if any of its requirements are not met. The punishment rarely fits the crime. Such a threat made sense as a weapon against the wholesale segregation of state school systems, but that may have been its only appropriate application.

As William McGill, former president of Columbia University, has pointed out, "a university with a faulty personnel management system or inadequate data reporting should not be placed in the same jeopardy as a state that creates publicly supported private academies in order to avoid desegregation."[3] The problem is that government seems to have few "intermediate range" sanctions it can legally impose. In fact, its "ultimate weapon" has never been used.

Colleges and universities also have been annoyed by what they characterize as the "presumption of guilt" by the Office for Civil Rights and other enforcement agencies. The federal government, they argue, all too readily assumes that institutions are discriminatory employers. To support their view, they point to such evidence as this passage from HEW's 1972 guidelines for implementing affirmative action requirements: "A *necessary prerequisite* to the development of a meaningful affirmative action program is the identification and analysis of *problem areas inherent in* minority and female employment."[4]

Similarly, Title VII of the Civil Rights Act of 1964 embodies the assumption that discrimination is likely to have occurred. To bring a Title VII case to court, the complainant, or the government, need only establish a *prima facie* case; the burden falls on the employer to prove that its policies are not discriminatory.

Commenting on the government's proposed revisions of affirmative action regulations, an attorney for the American Council on Education observed:

> We continue to be troubled by the overall negative tone of the proposals. There is implicit in the language and the organization of the rules a presumption of guilt on the part of every covered contractor. . . . The presumption is . . . evident in the failure to include . . . any provisions describing the steps to be taken by OFCCP [Office of Federal

Contract Compliance Programs] when it finds no discrimination.[5]

There was, of course, good reason for government officials to be suspicious of some colleges where discrimination existed and affirmative action steps were ineffective. Still, other colleges have provided outstanding leadership in this essential field and more and more institutions have taken steps to overcome deficiencies of the past. This reality should be recognized by those responsible for civil rights enforcement.

The most significant points of tension in civil rights enforcement relate to the essential core—the freedom of faculty members to select, to evaluate, and to promote colleagues. Academics insist that this process must be uninhibited, possibly even confidential, while government officials claim that they must review the process to assure that no discrimination has occurred.

At the University of California at Berkeley in 1978 there was a classic confrontation. The Department of Labor sought to remove information from the Berkeley campus to determine whether certain academic appointments had violated civil rights requirements. A preliminary investigation by the department indicated they had. Berkeley officials challenged the removal of records on the grounds that once the documents were in possession of the federal officials, they would become "agency records" and therefore subject to public disclosure under the Freedom of Information Act. The university also argued that removing the records would undermine the freedom of scholars to make judgments about their colleagues—the heart of the academic enterprise.[6]

In a decision that seemed to leave the central issue blurred, Secretary of Labor F. Ray Marshall held in 1980 that the university was obligated to turn over to government any requested documents. On this principle he did not budge. But in deference to the university, the secretary (himself a former professor) also ordered that freedom of information regulations within the Department of Labor be interpreted so as to protect the documents from public disclosure.[7]

Neither party was reassured. The Department of Labor's regulations may be challenged in court, changed by another secretary, or completely ignored by regulation writers in other departments. In

addition, the Equal Employment Opportunity Commission, which also investigates discrimination in academic employment, has rules that would, under certain conditions, *permit* the disclosure of such records.

Institutions of higher education have also found themselves increasingly answerable to the courts on key issues of academic governance. In January 1970, the Women's Equity Action League filed a class-action complaint with the United States Department of Labor against all colleges and universities, charging violation of President Johnson's 1965 Executive Order. That action brought onto campuses government officials who launched wide-ranging investigations and sparked often heated discussions about alleged sex and racial discrimination.

In 1970, Kenneth Adams[8] and a coalition of black advocacy groups sued HEW, claiming that the department had "defaulted" in carrying out its desegregation responsibilities. In finding for the plaintiffs, the court ordered the department to call for new desegregation plans from the ten state higher education systems involved in the suit.

The universities involved[9] began negotiating with HEW's Office for Civil Rights in 1972, and some reached agreement. In 1977, however, prior agreements were put aside. The Adams plaintiffs returned to court, charging that the eight state desegregation plans the department had accepted in 1974 (two states had been referred to the Department of Justice for enforcement proceedings) did not meet the Department's own guidelines. The court, once again finding for the plaintiffs, ordered the department to develop new criteria for desegregation, specifying that an acceptable plan must also take into account the "unique importance of black colleges."[10]

In the new HEW guidelines, university officials were asked to discontinue academic programs to avoid duplication between black and white colleges, add new programs at black colleges to make them more attractive, revise budgets, plan new facilities, and set targets for minority interests. In an historic legal confrontation, the University of North Carolina challenged the right of government officials to impose such academic, curriculum, and programmatic changes that the university contended would not further civil rights and, furthermore, violated

the integrity of the institution. In 1979, the United States District Court for the Eastern District of North Carolina ruled that there should be an administrative hearing on these issues but that the government could not cut off funds before the hearing was concluded.

In January 1980, in the case of *Keene State College* v. *Sweeney,* the Supreme Court ruled on the delicate matter of peer review. The high court let stand a lower court decision that had *overruled* a unanimous peer recommendation against promotion to tenure.[11] It was the case of Christine Sweeney, an associate professor of education at Keene State College in New Hampshire who, in the academic year 1972-73, applied for promotion to tenure. When her application was denied, she took her case to a faculty appeals committee, to the president of the college, and, eventually to a state commission and the courts.

In finding for Dr. Sweeney in 1978, the U.S. District Court of Appeals announced its disagreement with earlier judicial decisions in similar cases:

> We voice misgivings over one theme recurrent in earlier Title VII opinions: The notion that courts should keep "hands off" the salary, promotion, and hiring decisions of colleges and universities. This reluctance no doubt arises from the courts' recognition that hiring, promotion, and tenure decisions require subjective evaluation most appropriately made by persons thoroughly familiar with the academic setting. Nevertheless, we caution against permitting judicial deference to result in judicial abdication of a responsibility entrusted to the courts by Congress.[12]

At the University of Minnesota, attorneys have been called in to supervise academic employment. In settling a sex discrimination complaint, the university agreed to employ a "special master," or attorney, whose apointment was to be jointly approved by the institution, the complainants, and the court. In addition to reviewing hiring, promotion, and tenure procedures, the "special master" was given responsibility to conduct hearings on discrimination complaints after they have gone through an internal hearing process. Following the hearing panel's decision, the "special master" would submit in

writing, for the court's ultimate decision, "findings of fact, conclusions of law, and recommendations."[13] Clearly, a new voice was added to a process that historically was regarded as the sole prerogative of the university.

Finally, James A. Dinnan, a professor at the University of Georgia, went to jail rather than reveal his vote on a tenure decision in his department. The United States District Court ruled that the protection of the civil rights of the plaintiff was more important than confidentiality in the process of peer selection. The United States Supreme Court refused to hear Professor Dinnan's appeal.[14]

Given this sampling of administrative and legal confrontation, what lessons can be drawn? Has the integrity of the campus been weakened? We conclude that during the past fifteen years, the federal civil rights laws have pushed colleges and universities in the right direction, stirring an awareness on campus of the often deeply entrenched barriers faced by members of minorities and women. Higher education has been required, quite properly, to make moves toward equity–moves that had been far too long delayed.

It is also true that in the past the courts generally have deferred to the campus in academic matters. Indeed, Walter C. Hobbs of the State University of New York at Buffalo takes the position that court decisions, while imposing modest limits on institutional autonomy, have, in fact, reinforced the legal bases of academic freedom. He says that "both individuals within the academic enterprise and the enterprise per se . . . are truly the beneficiaries of a strong judicial bias toward academic liberty."[15]

But it would be naive to believe that litigation by persons who believe themselves aggrieved will fade away. For the foreseeable future, it is likely that the academy will not have fewer but more encounters with the courts. And recent decisions indicate that courts are not only likely to be more actively involved in academic matters, but more *activist* as well, involving themselves in procedures that traditionally defined the independence of the institution.

Unquestionably, there will continue to be occasions when the courts must step in to rectify grave injustices, but a strong presumption should always operate, as it has in the past, in favor of the preservation of hard-won academic governance procedures that have evolved over many centuries of institutional development.

The relationship between the campus and federal enforcement agencies is yet another matter. The failure of some campuses to push affirmative action programs has caused government officials to suspect both their methods and their motives. On the other hand, the continuing "presumption of guilt" by federal officials has bred tension. Also, inconsistency in government requirements, erratic procedures of enforcement, and the lack of due process arrangements have caused frustration and contempt. Most disturbing, perhaps, is the fact that the vision of giving full opportunity to every person has been overburdened by quarrels and confrontations, and praiseworthy ends have been obscured in conflicts over means.

There is no simple formula to guarantee that justice will emerge from these encounters, or that the integrity of academic governance will never be jeopardized. Federal and state enforcement officials should, however, be extremely circumspect in stepping into matters that historically have been resolved through internal governance procedures. Such intervention, even in the name of high principle, can lay the groundwork for long-range changes in the nature of our society that would be in the interests of none. In the end, the academy should be measured by *results,* not detailed procedures.

Finally, we deplore the suspicion and lack of trust that has sometimes been revealed by both academics and government officials. Academic governance, like most human activities, has as much to do with underlying attitudes as with formal structures, and achieving social justice should be viewed by all parties as an essential goal that unites rather than divides.

IX

LIMITS OF GOVERNMENT REGULATION

IN OUR REVIEW of the control of higher education, we have discovered conditions inherent in bureaucracy at both the state and federal levels that limit its capacity to regulate the campus effectively. This is not to suggest that government officials are not well intentioned or that colleges and universities should not fulfill their accountability obligations. Rather, we simply remind public officials that there is a limit to the oversight functions government can perform.

In many government agencies there is frequent turnover at the top. Signals change as administrations change. Institutional memory is short. Often, when a new administration takes charge, new legislation is introduced that changes the shape and character of existing programs.

In the now-famous Adams case, the universities involved had been negotiating for years with the Office for Civil Rights in the Department of Health, Education and Welfare (HEW). In some states, accommodations had been reached. In 1977, when a new administration came in, and when HEW was placed under court order to reach settlement, prior agreements were set aside. Universities were given new compliance rules. As one young HEW lawyer put it: "This is a new administration and we're not bound by what the others did." In 1981, yet another administration came to Washington and, once again, the enforcement strategy was changed.

When Harvard's President Derek Bok complained to the alumni of the university in 1975 about the federal government's "clumsy legislation . . . stifling bureaucratic requirements . . . erratic fluctuations" in funding, his anger had recently been stoked. Just before his speech, he had received a special delivery letter from the acting director of HEW's Office for Civil Rights. It warned that Harvard was about to lose millions of dollars in research grants if it did not revise its affirmative action plan in less than two weeks. Harvard's plan had already been approved by HEW's regional office.

Jerome Wiesner, former president of the Massachusetts Institute of Technology, once described how he had to scramble to replace government funding for a vast multiyear research project. Federal funds had been cut off because government priorities had changed. Such disruptions happened so frequently, Wiesner remarked, "I sometimes feel like a battered child."[1] The harsh fact is that many colleges have lost faith in government oversight, not because they reject the goals or resist their obligation to be accountable, but because the signals are so erratic.

Sometimes, lack of continuity in government action is simply the result of poor administration. On March 24, 1982, the *Chronicle of Higher Education* reported a major snag in the Guaranteed Student Loan program. "Colleges and banks have been unable to begin processing applications for loans to be used after July 1 because the Education Department has not yet issued rules governing the loan program after that date." Because the rules would apply a new limit to student eligibility, "anxious students cannot find out how much they will be able to borrow next fall—or if they are eligible at all."[2]

Government supervision is also limited because of its obligation to treat all cases uniformly. Such rigidity is not the creation of mindless bureaucrats who enjoy inducing pain and discomfort. Rather, it reflects the fact that a public agency, when enforcing duly adopted regulations, cannot grant an exception to one institution without granting the same privilege to all.

A grant application submitted to the United States Office (now Department) of Education was postmarked one minute after the deadline announced in the regulations. The reason for the late submission was compelling. Government lawyers ruled, however, that the

application had to be rejected. To accept the late application would require that new regulations be issued to give all other "late submitters" an opportunity for their case to be heard.

In drafting regulations, the concerns of agency lawyers often have little to do with either effective administration or the convenience of the client. Rather, the goal is to make sure the regulation will "stand up in court." Thus, those who participate in government programs confront rigid regulations written in a climate of "anticipatory litigation."

Further, government officials have a tendency to generalize policy from isolated "worst cases," and then impose that cautious standard on all. In 1972, a means test was imposed on the Guaranteed Student Loan program because one congressman repeatedly cited the example of a student who had admitted using his Guaranteed Student Loan to buy a "red Corvette."

Government oversight is further flawed by its chronic vulnerability to external political pressures. During our study, a former government official reported that members of Congress frequently urged that exceptions to regulations be made and criteria be ignored in order to secure funds for higher education institutions in specific Congressional districts.

In 1976, the parents of American students studying medicine abroad successfully lobbied for an amendment to the Public Health Service Act. The amendment provided that American students who had completed two years of study in a foreign medical school and could pass the first phase of the Medical Examiners test would be admitted to medical schools in this country. The Secretary of Health, Education and Welfare was given discretion to allocate the students to various American medical schools. The law transferred control of admissions to the government, and was so vehemently criticized by university leaders that it had to be quickly amended.

However, we conclude that the most serious problem encountered by higher education is the *cumulative* impact of government intervention. Taken by itself, any single action may not be unbearably intrusive, but the combined impact of many actions can nearly suffocate an institution. As public officials ask colleges and universities to defend endlessly their decisions, they inadvertently reshape the

institution in fundamental ways. Priorities are shifted as faculty and administrators spend more time on paperwork than on academic planning.

In one year the University of California reported filing 229 "unique" reports with 32 separate federal agencies.[3] The president of another university recently complained that within a three-week period his institution had been subjected to compliance reviews by no fewer than four different federal agencies. Recipients of federal grants are now subject to 59 legislative and regulatory requirements regarding administration and social policy. Virtually all of them, directly or indirectly, affect colleges and universities.[4]

A recent report from Pennsylvania shows that the state's central government controls purchases over $1,000; all contracts; all civil service management; administrative classifications and pay telephone installations; computer configurations; consultant fees and honoraria over $2,000; and institutional memberships in national organizations.[5] The state also supervises such fundamental matters as academic program and formal planning, tuition, financial aid programs, and federal grants. This is simply bad management.

In Arizona and Nevada, the state legislature or its staff decides on student-faculty ratios.[6] And in Arkansas, a state agency in the executive branch decides on purchases costing over $1,000, the transfer of more than $5,000 between budget categories, and authorizing fund-raising campaigns for capital improvements.[7]

Such detailed supervision of campus activity may at first blush appear to be administrative only. However, the issue goes deeper. Trying to administer a college by remote control ignores principles of good management, reflects a climate of distrust, and assumes incorrectly that if centralized management is increased, efficiency will improve.

Further, such an ambitious range of bureaucratic oversight generates a workload that government itself cannot handle. Requests go unanswered, order forms are lost, mountains of unused data reports accumulate in cardboard boxes in government corridors, and threatened audit and compliance reviews are sporadically conducted. Simply stated, "efficiency" standards are imposed by inefficient organizations.

In 1977, Office of Education officials admitted that they did not

know which students were in default on their government loans and acknowledged that students were not even being reminded that payments were due. That same year, Senator Daniel Moynihan asked HEW how many complaints its Office for Civil Rights had received and settled under each of its statutory jurisdictions. The department had to admit that the figures could not be supplied.[8]

Unhappily, the bottom line in the growth of government regulation is that there is no bottom line. Campus leaders, from presidents on down, feel caught in a confusing bureaucratic web that demands accountability, but provides few incentives for responsible decision making. As government oversight expands, and as more agencies intervene, it is increasingly difficult to know where decisions are and are not being made.

In summary, there are real limits to the government's capacity to regulate higher education. As public officials introduce more and more oversight requirements, the process becomes overburdened, contradictory, and finally incoherent. We conclude that improvement will not come from better management of the government's regulatory functions, although this is certainly a worthy goal to be pursued. Instead, the academy must rediscover more effective ways to regulate itself. It is to this theme we now return.

PART FOUR

REGAINING CONTROL

X. A Governance Framework for Higher Education

XI. A Renewal of Leadership

X

A GOVERNANCE FRAMEWORK FOR HIGHER EDUCATION

IN THIS REPORT we repeatedly have called upon higher education to reaffirm and strengthen self regulation—not to isolate the campus from the larger community—but because control of the academic core is the one function the university may not lose without losing everything.

To call upon higher education to regulate itself may seem unrealistic, if not naive. In the days ahead, public agencies will be hard pressed for funds. Most colleges and universities will be asked to justify in full detail their budgets and expenditures. Competition will increase as campuses struggle for dollars and for students. Under these conditions, one might reasonably predict more bureaucratic control and less responsible behavior by the academic community.

Still, there is, we believe, a growing understanding that centrally mandated, formula-driven efficiency has its limits. There is recognition that local initiatives may well be more effective than layers of bureaucratic oversight and control. Further, the academy, with all its limitations, has had a long, successful tradition of self-regulation. Even by government's own assessment, colleges and universities, with few exceptions, have been good stewards of public funds.

This appears, then, to be the right moment, therefore, for the academy to strengthen its traditional decision-making machinery and add new accountability arrangements. In this section, we review the

major conclusions of the report, outline recommendations, and suggest a governance framework for the future.

THE GOVERNING BOARD

Informed by our review of the history of higher education in Europe and America, we conclude that the governing board constitutes the keystone in the governance structure of higher education. Looking to the future, we also conclude that the role of this body will become more, not less, important. Internally, trustees set goals and resolve disputes—functions that will become increasingly critical as higher education moves from expansion to constraint. Externally, they are the connecting link between institutions of higher learning and outside authorities.

The paradox is that despite their authority, the role of governing boards remains ambigious. Decision making is spread among trustees, presidents, and faculty, and although the legal status of trustees has not changed, there is ambivalence as to how much power they should have. During the protests of the 1960s, there was, in fact, a strong minority opinion that governing boards should be abolished.

On some campuses, trustees operate in the shadows of the institution. They come to campus once or twice a year, remain marginally involved, and appear only ceremonially at homecoming and commencement. On other campuses, trustees meet more frequently but tend to get bogged down in routine details. Governing boards, according to one study, make an average of fifty-one separate decisions per meeting and about half of these decisions concern operational details.[1]

We believe a larger vision is required. In addition to the traditional functions of setting policy, electing presidents, and approving budgets and key personnel appointments, trustees also must participate in shaping educational priorities for the future and actively involve themselves in the review of the quality of the institution.

Strengthening the role of trustees starts with the board itself. Trusteeship, by definition, means fulfilling a special "trust"—representing the public interest without compromising the community of

learning. Trustees, if they are to guide an institution wisely, should be fully and coherently informed about its functions.

Governing boards also must be properly constituted. Ideally, trustees are appointed because they have a broad perspective and because of their interest in the institution overall. Ex officio board appointments and special-interest membership on governing boards should be a matter of concern.

Respect for trustees is sustained by the quality of those appointed or elected, and by their ability to earn respect through the wisdom of their actions and their willingness to serve enlightened rather than parochial interests. To strengthen the trusteeship role, we make the following recommendations:

- ☐ The essential role of the governing board in American higher education should be reaffirmed and vigorously supported by all members of the academic community.
- ☐ Governing boards should be responsible for the overall policy of the institution and for the appointment of presidents and other major officers; approval of faculty appointments, at least at the tenure level; approval of major expansion of facilities; and approval of the budget.
- ☐ Trustees also have a special obligation to help assess the educational quality of the institution by participating in the campuswide review of academic programs.
- ☐ Governing boards should consult fully and frankly with all segments of the campus—administrators, faculty, and students—in the shaping of new policies and procedures.
- ☐ Trustees should be appointed or elected because of their appropriate experience and broad perspective, not as a political reward or because they represent narrow, special interests.
- ☐ The length of trustee service should be long enough—at least six years—to assure continuity of interest and direction and to protect board members from undue political pressure.

- ☐ Above all, trustees should be fully informed about the function of their institutions and faithfully interpret those functions to the public. They should vigorously defend their institutions against all efforts, from any source, to undermine the integrity of the campus.

In the end, the authority of boards of trustees will be sustained by the quality of those chosen as members, by the wisdom of their actions, and by their willingness to serve the general interests of the public while protecting higher education.

GOVERNANCE ON THE CAMPUS

We have noted in this report that a large share of the work and authority of academic governance is, quite properly, delegated by trustees to administrators, faculty and students. We conclude that if higher education is to regulate itself more effectively, campus decision-making structures need to be improved.

Traditional structures do not seem to be working very well. Faculty participation has declined, and we discovered a curious mismatch between the agendas of faculty councils and the crisis now confronted by many institutions. For example, we were told that the faculty senate at one ranking public university has not had a quorum for seven years.

The inadequate state of campus governance should not be attributed to faculty alone. Some administrators still appear to be too authoritarian or too bureaucratic to consult openly and honestly with colleagues. The chair of the faculty budgetary affairs committee at one major university reported a feeling of futility about the consultation process: "Our work on program review, many of us felt, was used as a shield for unpopular administrative decision-making and some of our most important suggestions were ignored."[2]

Also the breakdown of campus governance is perhaps an all too predictable reaction to hard times. Life on a campus in retrenchment becomes tense. At such an institution there is what Irving J. Spitzberg of the American Association of University Professors calls "a war of all-against-all."[3] As difficult as it may be to accomplish, we conclude

that collegial compacts must be renewed in order to handle urgent campus matters and improve relationships between the academy and the larger society.

Finally, a word must be said about the impact of collective bargaining. Clearly, faculty unionization constitutes a fundamental shift in campus governance. We believe, however, that collective bargaining will not violate the traditions of academic life if faculty members on campuses are in charge of the negotiations and if contractual agreements respect the freedom and professional judgments of individual teachers. It should be recognized that faculty senates and similar bodies are still needed to deal with the full range of academic and administrative matters that fall within their concern.

To strengthen campus governance, we make the following recommendations:

- ☐ The faculty at each institution, with trustee-delegated authority, should vigorously support a campuswide senate or comparable body to oversee all matters relating to the institution's academic core.
- ☐ In addition to traditional academic concerns, special consultative bodies of faculty, administrators, and students should monitor campus performance in response to the new public accountability mandates—fiscal integrity, social justice and consumer protection.
- ☐ A clear distinction should be drawn between the corporate authority of trustees and campus governance. If representatives of campus constituent groups are placed on governing boards, they should serve in an advisory capacity only.
- ☐ If collective bargaining is introduced, it should be conducted by the faculty on campus and should relate to such issues as compensation and due process while respecting the freedom and judgment of the individual teacher.
- ☐ Campuses with collective bargaining should also acknowledge the importance of other existing arrangements for faculty participation in campus governance.

- ☐ Colleges and universities may wish to convene governance convocations to consider ways more effectively to involve all members of the academic community in decision making on campus.

Today, there is a paucity of thoughtful debate about academic governance. If the larger interests of the institution are to be served, and if the public is to be assured that the academy can manage its own affairs, that debate must become more vigorous and more vital.

REGIONAL ACCREDITATION

Throughout this report, we have emphasized the importance of self-regulation. In doing so, we have viewed regional accreditation as a critically important part of academic governance.

The irony is that such accreditation has increasingly lost significance at the very time it is needed most. Among accreditors there is no agreement about the meaning of a college education, and the neglect of undergraduate education is especially disturbing.

While preparing this report, we heard that accreditation review often is little more than an empty ritual. Most discouraging, perhaps, many campuses downplay the importance of accreditation visits. Higher education leaders frequently decline to participate in the process.

Further, we found that regional accreditation has not responded satisfactorily to the new accountability mandates imposed by government agencies and the courts. Even though public obligations have increased, accrediting officials seem hesitant to accept expanded evaluation responsibilities. One key accreditation official took the following position:

> Accreditation cannot, by itself, serve as the basis for determining eligibility for federal funds; neither can it function as an arm of government in policing compliance. . . . Accreditation cannot allow itself to be used for purposes other than evaluating and encouraging *educational* quality, and the burden is always on the accrediting body to demonstrate that its criteria and procedures serve this ideal.[4]

Higher education quite properly opposes any government move to accredit institutions. But this threat can be contained only as regional bodies expand the scope of their authority and hold colleges accountable not only for academic excellence but also for good management, affirmative action, and consumer protection, too.

We conclude that the erosion of regional accrediting authority and prestige leaves a dangerous void. The integrity of higher education urgently requires that regional accrediting be supported and that its procedures be improved. To achieve this objective, we recommend the following measures:

- ☐ Senior officials at all colleges should fully support their accrediting associations and participate actively in their work. Serving on an accreditation team should be the equivalent of jury duty for every academic.
- ☐ Regional associations should do more than measure a college against its own objectives. They should also have their own clear standards of academic quality, giving special attention to the undergraduate college and to the meaning of liberal education.
- ☐ Regional associations should also hold campuses accountable for good management, enlightened personnel policies, and consumer protection—those areas of special concern to state and federal agencies and the courts.
- ☐ Accrediting agencies should develop clearly defined categories of institutional membership that are consistent from one region to another so the public can better understand the accreditation status of each institution.
- ☐ Information about the accreditation of colleges should be more accessible by the public. A summary of the results of each campus evaluation—excluding confidential personnel information—should be available to all concerned constituencies.
- ☐ A national panel should be established to serve as a "court of last resort" to receive appeals and to resolve conflicts when an institution believes it has been unfairly treated by a regional association. The Council on

> Postsecondary Accreditation—the organization that brings together at the national level all recognized accrediting bodies—is an appropriate group to organize and maintain this appeal procedure.

Here, then, is our conclusion: Public confidence in higher education's ability to govern itself must be restored and government involvement in the academy diminished. To achieve this goal academic leaders must be willing, collectively, to set academic and public accountability standards and, through regional accreditation, participate in their enforcement.

SPECIALIZED ACCREDITATION

In our review of academic governance we found that one form of self-regulation—specialized accreditation—actually threatens the integrity of the campus.

The original goals of professional accrediting were estimable: to establish, on a national basis, educational standards, primarily in fields related to public health and safety. However, during the past fifty years, the list of accrediting bodies has grown from a small core to more than fifty associations. On some campuses a dozen or more visiting teams impose requirements that may compromise the authority of the trustees and undermine the overall priorities of the institution.

The issue here is not whether professional programs should meet high academic standards. It is, rather, how detailed those standards should be; how they should be enforced; and, most importantly, whether specialized programs are to fit within the larger purposes of the campus.

Looking ahead, tensions among departments and disciplines may increase as budgets tighten. In such a climate, professionals on campus may be even more tempted to abuse accreditation, using the process not to protect the public and promote excellence but to gain leverage in the competition for limited resources.

We are especially troubled that at least twenty-one specialized accrediting associations have been linked to occupational licensure by the state. Through such arrangements, they wield enormous power over higher education by controlling entry into the professions, and

giving states strong influence over academic matters. The role of the state in occupational licensing should be to certify results, not to control the process of education.

To fit specialized accreditation more effectively into the overall governance of higher education the following recommendations are proposed:

- ☐ Standards for specialized accreditation should focus on outcomes, and campus evaluations should be conducted with full respect for the overall mission of the institution.
- ☐ Colleges and universities should not invite to campus any specialized accrediting agency whose criteria for membership are so intrusive or detailed as to weaken an institution's own authority over teaching and research.
- ☐ Specialized accreditation teams should coordinate their visits with regional associations, and, whenever possible, such collaboration should involve sharing information and preparing combined summary reports.
- ☐ State governments should reexamine the link between occupational licensing and specialized accreditation. In some cases, alternate routes to licensure, such as formal examinations or practical experience should be provided. In other cases, the link between licensing and accreditation should be broken altogether.

Clearly, professional associations will continue to play an important role in the self-regulatory structures of higher education. We share their interest in maintaining excellence in the quality of the professions they serve. We urge caution, however, in the proliferation of accrediting associations and in the creation of restrictive standards that erode the integrity of the campus.

LINKAGES WITH STATE GOVERNMENTS

In this report, we have talked about the core of higher learning—the obligation of the university to protect the essential functions of

teaching and research. But agencies of the state also have an essential core—the obligation to protect the rights of citizens and to oversee the use of public funds. Good governance will acknowledge and keep in proper balance both of these essential claims of the academy and the public.

State officials have generally respected the independence of the campus. Today, however, under the pressure for accountability, the trend is in the opposite direction. Some state agencies have become deeply involved in educational matters, including the evaluation of academic programs.

State fiscal control also has tightened. The review of higher education budgets may include the governor's budget director, three or four legislative committees, the state auditor, and the purchasing department, just to name a few. Frequently, what begins as accountability ends up as chaos and confusion.

In the government of higher education, a division of labor must be maintained. States have an obligation to develop long-range plans, authorize new campuses, develop missions for each institution, set enrollment goals, and provide adequate support. And state coordinating boards created to guide expansion have an equally important role to play in a period of possible contraction. While closing foundering public campuses is much more painful than building new ones, it is, we conclude, an obligation state governments should fulfill.

However, good management requires that decisions be made as close as possible to the point where they will be carried out. Good management also requires that effective performance be rewarded. Permitting colleges to retain savings, for example, will, encourage good leadership and save money. As the late Stephen Bailey cogently observed: "Unless states provide incentives for quality improvement, a Gresham's law is bound to predominate." [5]

Above all, special effort must be made to protect diversity both within an institution and among campuses as well. And authority over teaching and research and the review of academic programs must be kept with the academy itself.

We conclude that, in the days ahead, a more effective relationship is required between the campus and the state. To clarify and improve state activities in higher education, we recommend that:

- ☐ State governments—working primarily through statewide coordinating boards—have the responsibility to plan and provide basic support for a comprehensive system of higher education.
- ☐ While holding colleges and universities fully accountable for the use of public funds, states should encourage good management by permitting administrative decisions to be made as close as possible to the point where they will be carried out.
- ☐ In fiscal matters, state governments should create broad categories of expenditures rather than line item budgets.
- ☐ In academic matters, the integrity of the campus should be fully protected. State officials should not involve themselves directly in the review of academic programs. Rather, they should call upon higher learning institutions periodically to assess such programs and report their findings.
- ☐ State coordinating agencies should also work closely with regional accrediting associations to evaluate the performance of each campus by providing relevant information and encouraging members of their staffs to serve on evaluation teams.
- ☐ Diversity should be a primary goal of statewide coordination. This objective should be given special priority during periods of contraction.

In our review of the state role in higher education, we conclude that much has been accomplished with little threat to the integrity of the campus. Nevertheless, new tensions have emerged and these recommendations, if adopted, will improve coordination and accountability while reducing threats to the integrity of higher education's essential academic core.

THE FEDERAL CONNECTION

As federal support for higher education skyrocketed, colleges and universities were, quite predictably, called upon to be more account-

able for their use of public funds. The relationship between Washington and the campus became much more complex. Still, in our review of the growth of research or student aid support we found few examples where federal oversight of these programs was excessive.

If federal involvement in higher education has been relatively benign, how is it that there has been, until recently at least, so much complaining about government intrusion? The answer lies, at least in part, in what we call "the cumulative impact." One regulation may not be restrictive, but many regulations quite literally smother an institution.

Clearly, a new approach is needed. To clarify the relationship between federal agencies and the nation's campuses we propose that new government-university forums be created to improve communication, resolve differences, and move toward policy consensus. As a beginning, we suggest two such bodies: one for research, the other for student aid.

There are precedents for what we have in mind. The National Science Foundation, the National Institutes of Health, and other government agencies have long used ad hoc advisory boards from the academy. The American Council on Education also has established an Office of Self-Regulatory Initiatives, with a national advisory committee to help settle conflicts over such matters as the administration of student aid. The National Academy of Science now has a committee called Government-University Relations in Support of Science that is exploring the forum idea.[6] These are, we believe, moves in the right direction.

One final point. We note in this report that the federal government has, for thirty years, relied on the academy itself—through voluntary accreditation—to determine which colleges are eligible to get federal support. This procedure is not perfect but it is better than having the Department of Education evaluating colleges and involving itself more deeply in the accredition of the accreditors—functions that we conclude are better left to the academy itself.

Now that Washington's role in higher education is being challenged, we believe the historic partnership must be reaffirmed. And, if higher education is properly to meet its responsibilities in

administering federally funded research and student aid, new arrangements are required. We, therefore, recommend:

- ☐ The federal government has an obligation to support higher education programs—such as research and student aid—that are truly national in character and that transcend the needs and interests of one state or region.
- ☐ Public officials, in their supervision of federally-funded research and student aid, should limit their control of higher education to the fiscal oversight of such programs.
- ☐ To improve such oversight, the National Academy of Sciences, should establish a government-higher education research forum to exchange ideas, search for agreement on research policy and resolve disputes over the administration of existing programs. Such a forum should be organized in consultation with appropriate federal agencies and professional bodies.
- ☐ The American Council on Education, working with the Department of Education, should also establish a government-higher education student assistance forum to exchange ideas, search for agreement on policy, and, resolve disputes over the administration of student aid programs. The Council should also enlarge the work of its Office of Self-Regulatory Initiatives.
- ☐ Policy guidelines developed by the American Council on Education's self-regulation project and by the new forums recommended in this report should be considered for adoption at every institution of higher learning to which they apply. Further, such guidelines should be used by accrediting teams to assist in the evaluation of individual campuses.
- ☐ In determining the eligibility of colleges to participate in federal programs, the Secretary of Education should use regional accreditation as the basis for approval.
- ☐ The preparation of an approved list of regional associ-

ations should be a function of the Council of Postsecondary Accreditation, not the federal government.

The founders of this nation were wise to restrict the role of the federal government in the control of American higher education. The nation's leaders have also been enlightened in recognizing that there are certain educational objectives that can best be served by federal support. Reconciling this important principle—federal support without federal control—has created a need for new procedures to resolve conflicts as they arise. Our recommendations have been designed to meet the challenge.

PROTECTING INDIVIDUAL RIGHTS

Protecting the rights of individuals is one of the most sensitive and most essential issues we confront in this report on the control of higher education. The right of the university to decide who is to teach confronts the right of the individual to be employed, promoted, or dismissed without prejudice. In such matters, who controls the campus?

Higher education must not retreat from the goal of equal opportunity, and we call upon colleges and universities to affirm an absolutely unwavering commitment to equity for all. Such a commitment will go far, we conclude, to resolve tensions in the troubled arena of civil rights enforcement.

But the methods of monitoring compliance also need review. Government standards are sometimes too specific and at other times too vague. Enforcement ground rules change from one administration to another. Most disturbing, has been the inclination of government officials to impose procedural requirements on the campus that threaten traditional academic prerogatives of the institution. Further, with over 3,200 colleges and universities to be monitored, government cannot do the job alone.

To strengthen self regulation in this important matter we support a recent suggestion that equal opportunity councils should be formed within each university and college, building upon higher education's tradition of peer review. The successful institutional re-

view boards mandated by the Department of Health and Human Services to monitor the use of human volunteers in federally funded research provides a model. These boards have protected human subjects while reducing the need for a vast enforcement machinery within the bureaucracy itself.

The equal opportunity councils we have in mind would extend the work of affirmative action committees by monitoring the hiring, dismissal, and promotion with the institution.[7] Such councils will not overcome the poor employment opportunities caused by declining resources and enrollments. Still, equality of opportunity is required during bad times as well as good. And we conclude that colleges and universities should now seize the initiative and develop strategies that will effectively fulfill their legal and moral obligations. To achieve these ends the following recommendations are proposed.

- ☐ Protecting individual rights is a public accountability obligation that must be met by every higher learning institution.

- ☐ In fulfilling this mandate, colleges and universities should vigorously reaffirm their commitment to equality of opportunity by having clearly stated goals with detailed plans for implementation.

- ☐ Higher learning institutions should form equal opportunity councils to monitor both faculty and nonfaculty hirings, dismissals, and promotions. Council membership should include campus personnel and professionals from other campuses as well.

- ☐ The findings of the equal opportunity council should be examined by regional accrediting committees and made available to appropriate government enforcement agencies.

- ☐ While new self-monitoring arrangements for the achievements of equality of opportunity are essential, in the end, a campus should be judged by goals and results rather than detailed procedures.

A LOOK AHEAD: THE CAMPUS AND THE CORPORATION

Throughout higher education's history, universities have had to negotiate the terms of their independence with the most powerful institutions of the day. At first, they were influenced significantly by various religious bodies. For early American colleges, preparing ministers and transmitting the faith to a new generation were top priorities. Later, as the nation-state grew strong, religious issues faded, and higher education increasingly became engaged in the public agenda, establishing a close relationship to the states and, later, to the federal government as well.

What about the future? Looking ahead we expect that federal and state agencies will continue to play important roles in shaping the mission and influencing the governance of higher education. There will be a renewal of church influence at a cluster of private colleges, but this shift will not be enough to overcome the earlier decline.

The most dramatic governance issue of the future, we believe, will be one we have not yet mentioned in this report—the connection of higher education to the corporate world. Businessmen have long served on governing boards, and have exerted influence as wealthy benefactors. As early as 1918, Thorstein Veblen wrote a trenchant and often hilarious critique of the way corporate and commercial values were penetrating the academy.[8]

Today, however, corporate political and economic power is on the rise, and higher education will increasingly find itself negotiating less with government bureaucrats, and more with giants of the business world. Increasingly, academic decisions are being shaped by decisions in corporate board rooms.

The connection between higher education and major corporations—in both research and curriculum decisions—imperils colleges and universities in much the same way as the church and the state have threatened university integrity in the past. And preoccupation on the part of the academy with the priorities of business and industry may mean that the larger social mandates highlighted in this report—equality of access to education, fiscal accountability, social justice—will be compromised.

As we have stressed, academic governance is important not as an end in itself but as a means of helping the academy fulfill its

overarching social obligations. We agree with Derek Bok, president of Harvard University:

> Education and research may not be the most visible or heroic means of striking at the evils of society. But taken as a whole, they represent the surest way by which academic institutions can resolve the moral dilemma of continuing to enjoy the quieter pursuits of learning in a world filled with suffering and injustice. If universities pursue this course with enough energy and determination, even the angriest critics may eventually come to appreciate the full weight of their social contribution.[9]

President Bok's comment suggests what we believe to be the fundamental question: If colleges and universities become too closely linked to corporate interests, can they continue to ask society to grant them the special and privileged status that the academy has historically enjoyed? The issue is a profound one, and we believe that the larger implications of the burgeoning corporate connection are just emerging.

The most important possession of colleges and universities is not their endowments, nor facilities, not even the faculty, administrators, and trustees. The possession that is important above all others is integrity. In the end, the structure of governance must protect the ability of higher education to carry on, with integrity, the essential functions of teaching and research.

XI

A RENEWAL OF LEADERSHIP

THIS REPORT HAS focused on the legal structures and administrative procedures that connect higher education, government, and the larger society. Unquestionably, such structures and procedures must be shaped with great care and repeatedly reviewed. But, in truth, they can only provide the framework for achievement, not achievement itself. Like all human institutions, the academy can be no greater than the human beings who comprise it. For all the attention to flow charts, master plans, and program reviews, the educational enterprise ultimately depends upon people.

Governance guidelines in themselves have no animating power. In its most authentic sense, governance is simply the process by which people pursue common ends and, in the process, breathe life into otherwise lifeless forms.

The best measure of the health of the governance structure at a college is not how it looks on paper, but the climate in which it functions. Do those involved see some point to what they are doing? Do they believe their efforts can make a difference? Is there a sense of excitement? Is the leadership confident of its aims and goals, without being isolated from either the larger society or the particular institutional community on whose behalf leadership is being exercised?

Whether higher education is to remain socially accountable and intellectually independent will be determined by the quality and spirit of its leadership, including presidents, trustees, deans, and individual members of the faculty.

Unfortunately, too many higher education leaders, from presidents on down, feel almost overwhelmed by demands of the bureaucracy that call for accountability but provide few rewards and give campus leaders little freedom to make their own decisions. Even trustees feel pressured and confused, their own governance function almost hopelessly constricted within a complicated bureaucratic grid.

The ever-increasing role of outside agencies in campus matters is gradually wearing down internal governance structures. As leadership is diminished, power and initiative flow even more rapidly to bureaucracies outside. Under such circumstances, administration too often means simply responding to an impersonal system, flowing along on a ceaseless tide of forms, reports, and computer printouts. As Harold Enarson, former president of Ohio State University, once put it in a moment of exasperation: "I could once say decisively, 'the buck stops here.' Now it never stops." [1]

This destructive cycle must be ended. The governance initiative must return where it belongs: to the campus itself. But structural and administrative reforms, like those proposed in this report can only go so far toward achieving this goal. What is most required is no less than a rebirth of leadership in higher education.

Quite obviously, the steps to such a renewal of leadership, cannot be spelled out in a series of recommendations. Yet some of its characteristics can be suggested. It must be a leadership that can take the initiative in prodding colleges and universities to define their own academic standards and social obligations rather than waiting passively for such standards to be imposed by others. It must be a leadership that can redefine, in contemporary terms, the fragile tradition of academic freedom. It must be leadership that will forcibly remind those within the academy that independence and self-governance can survive only if they are willing to shoulder the burden of making it not merely a matter of pious rhetoric, but a living, working reality. It must, in short, be leadership of vision and creativity that can define and defend the spirit of the academic enterprise.

If such a new spirit of confidence were to emerge in higher education, we are convinced that many of the problems and frustrations that have been the concern of this report would dramatically shrink in importance. They would not vanish, but they would cease

to be so stiflingly oppressive as the academy once began to define its own purposes and revitalize its historic governance traditions. Whether such a rebirth of leadership is possible may well be the central question facing American higher education in the years ahead.

APPENDICES

APPENDIX A:

ACCREDITING AGENCIES APPROVED BY THE UNITED STATES DEPARTMENT OF EDUCATION

APPENDIX B:

SURVEY OF HIGHER EDUCATION DECISION MAKING

APPENDIX A

ACCREDITING AGENCIES AND ASSOCIATIONS

Approved by the United States Department of Education

Regional Institutional Accrediting Associations

1. Middle States Association of Colleges and Schools
2. New England Association of Schools and Colleges [1]
3. North Central Association of Colleges and Schools [1]
4. Northwest Association of Schools and Colleges
5. Western Association of Schools and Colleges [2]
6. Southern Association of Colleges and Schools [1]

National Institutions and Specialized Accrediting Bodies

1. Committee on Allied Health Education and Accreditation
2. National Architectural Accrediting Board, Inc.
3. National Association of Schools of Art and Design
4. American Association of Bible Colleges
5. National Accreditation Council for Agencies Serving the Blind and Visually Handicapped
6. American Association of Blood Banks [3]

[1] The association has separate commissions for colleges and universities and for vocational institutions.

[2] Separate commissions operate for four-year institutions, junior and community colleges, and vocational institutions.

[3] Accreditation is done in cooperation with the Committee on Allied Health Education and Accreditation.

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7. American Assembly of Collegiate Schools of Business
8. Association of Independent Colleges and Schools
9. The Council on Chiropractic Education
10. Association for Clinical Pastoral Education, Inc.
11. Council for Non-Collegiate Continuing Education
12. National Accrediting Commission of Cosmetology Arts and Sciences
13. American Society of Cytology [3]
14. Joint Commission on Dance and Theater Accreditation
15. American Dental Association
16. The American Dietetic Association
17. Accreditation Board for Engineering and Technology, Inc.
18. Society of American Foresters
19. American Board of Funeral Service Education
20. Accrediting Commission on Education for Health Services Administration
21. National Accrediting Agency for Clinical Laboratory Sciences [3]
22. National Home Study Council
23. Foundation for Interior Design Education Research
24. Accrediting Council on Education in Journalism and Mass Communications
25. American Society of Landscape Architects
26. American Bar Association
27. American Library Association
28. American Association for Marriage and Family Therapy
29. Accrediting Bureau of Health Education Schools
30. American Association of Medical Assistants [3]
31. American Medical Record Association [3]
32. Liaison Committee on Medical Education of the Council on Medical Education of the American Medical Association and the Executive Council of the Association of American Medical Colleges
33. American Academy of Microbiology
34. National Association of Schools of Music
35. Joint Review Committee on Educational Programs in Nuclear Medicine Technology [3]

36. American Association of Nurse Anesthetists
37. National Association for Practical Nurse Education and Service, Inc.
38. National League for Nursing, Inc.
39. American Occupational Therapy Association [3]
40. National Association of Trade and Technical Schools
41. American Optometric Association
42. American Osteopathic Association
43. American Council on Pharmaceutical Education
44. American Physical Therapy Association
45. Joint Review Committee on Education Programs for Physician's Assistants
46. American Podiatry Association
47. American Psychological Association
48. Council on Education for Public Health
49. Association of Advanced Rabbinical and Talmudic Schools
50. Joint Review Committee on Education in Radiologic Technology [3]
51. Joint Review Committee for Respiratory Therapy Education [3]
52. Council on Social Work Education
53. American Speech-Language-Hearing Association
54. Joint Review Committee on Education for the Surgical Technologist
55. National Council for Accreditation of Teacher Education
56. Association of Theological Schools in the United States and Canada
57. American Veterinary Medical Association
58. New York State Board of Regents

APPENDIX B

THE CARNEGIE SURVEY OF HIGHER EDUCATION DECISION MAKING

TO OBTAIN A CLEAR impression of the current state of academic governance, The Carnegie Foundation for the Advancement of Teaching conducted in May, 1982, a survey of decision making in higher education.

Our survey instrument listed 39 decisions under three headings: academic, personnel, and administrative. We did not attempt to be exhaustive. Instead, we selected decisions we considered to be representative of key policy areas.

Our survey also listed 12 locations of decision making, and the respondents were asked to identify the locations which held effective authority for each of the 39 decisions. *Effective authority* was defined for the respondents as "the agency whose decision generally stands and usually is not reversed."

The survey was sent to four respondents in each of the fifty states:

- ☐ The chief executive officer of the state's flagship university or university system
- ☐ The chief executive officer of a public four-year institution
- ☐ The chief executive officer of a public two-year institution
- ☐ The head of the state's higher education agency.

The last category overlapped the first because in six of the responding states, the state public university system is also the state higher education agency. In all, we mailed out nearly 200 questionnaires and received responses from 76 percent of the institutions and agencies surveyed, that is, from state higher education agencies in 41 states; from 41 flagship universities;[1] from 42 four-year colleges, and 26 two-year institutions.

In the report of the data that follows, the 39 key higher education *"decisions"* are listed vertically on the left side of every page. The four types of universities, colleges, and agencies from which the responses came are repeated under each of the "decisions."

The 12 *"Locations of Decision-Making"* are listed horizontally across the top of the tables.

Responses of the chief executive officers of the various types of institutions surveyed are numerically clustered *under* the various locations of decision-making.

[1] In six instances in which a respondent was both a flagship institution and the state agency, responses are included for both types of respondents. Although the numbers are roughly equivalent for state agencies and flagship institutions, they do not always include agencies, and institutions in the *same* state.

RESPONSES TO THE CARNEGIE SURVEY OF

Numbers of higher education agencies and institutions assigning "effective authority"

ACADEMIC DECISIONS	Departmental level	Faculty senate or council, campus level	Administration at the campus level	Governing board, campus level	Faculty senate or council, multi-campus system	Administration, multi-campus system
1. *Defining campus mission and objectives*						
Higher Education agencies	—	1	3	5	—	1
Flagship institutions	—	—	3	5	—	5
Four-year institutions	—	—	7	7	—	1
Two-year institutions	—	1	2	9	—	—
2. *Setting campus admissions standards*						
Higher Education agencies	—	8	15	8	—	—
Flagship institutions	2	11	13	1	3	2
Four-year institutions	1	9	10	5	—	—
Two-year institutions	1	2	12	3	—	1
3. *Determining course content & objectives*						
Higher Education agencies	38	2	1	—	—	—
Flagship institutions	34	6	—	—	1	—
Four-year institutions	33	8	—	1	—	—
Two-year institutions	17	4	2	—	2	1
4. *Setting student-faculty ratios*						
Higher Education agencies	3	—	20	1	1	2
Flagship institutions	5	1	21	—	—	2
Four-year institutions	3	2	19	2	—	—
Two-year institutions	—	1	15	3	—	4
5. *Establishing minimum faculty-student contact hours*						
Higher Education agencies	8	—	19	2	—	1
Flagship institutions	12	2	17	—	—	1
Four-year institutions	3	1	23	—	—	—
Two-year institutions	—	—	15	4	—	4

for making selected decisions to units within higher education and state governments.

Governing board, multi-campus system	State coordinating agency	State department of education	Governor's office	Other state executive branch agency	Legislature or its staff	Multiple response	Not applicable
16	7	—	—	—	—	8	—
17	2	—	—	—	—	8	—
17	4	1	—	—	1	3	1
7	2	—	—	—	2	2	—
7	1	—	—	1	1	—	—
6	2	—	—	—	1	—	1
12	3	—	—	—	1	—	1
5	1	1	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
3	2	—	—	1	5	—	4
1	1	1	—	1	3	—	4
7	4	1	—	1	3	—	—
1	—	—	—	—	1	—	1
2	—	—	1	—	—	5	3
2	—	1	—	—	1	4	1
5	3	1	1	—	2	3	—
2	—	—	—	—	1	—	—

	Departmental level	Faculty senate or council, campus level	Administration at the campus level	Governing board, campus level	Faculty senate or council, multicampus system	Administration, multicampus system
6. *Accepting research funds from external sources*						
Higher Education agencies	6	—	24	5	—	2
Flagship institutions	3	—	27	2	—	5
Four-year institutions	—	—	29	3	—	3
Two-year institutions	1	—	12	7	—	2
7. *Setting degree requirements*						
Higher Education agencies	4	21	3	5	1	—
Flagship institutions	13	17	6	1	2	—
Four-year institutions	5	24	5	3	—	—
Two-year institutions	1	6	7	2	—	2
8. *Deciding content of institutional self-study for regional accreditation*						
Higher Education agencies	3	5	32	—	—	—
Flagship institutions	3	2	30	1	—	4
Four-year institutions	3	8	29	2	—	—
Two-year institutions	2	4	13	—	—	6
9. *Deciding whether to seek specialized accreditation for particular programs*						
Higher Education agencies	7	—	26	—	—	1
Flagship institutions	7	1	26	—	—	2
Four-year institutions	7	2	27	—	—	1
Two-year institutions	4	1	16	—	—	4
10. *Establishing new undergraduate programs*						
Higher Education agencies	1	2	5	5	—	—
Flagship institutions	6	5	8	1	1	1
Four-year institutions	1	5	5	4	1	2
Two-year institutions	—	6	5	1	—	2

Governing board, multicampus system	State coordinating agency	State department of education	Governor's office	Other state executive branch	Legislature or its staff	Multiple response	Not applicable
3	1	—	—	—	—	—	—
3	—	—	—	—	—	—	1
4	1	—	—	1	—	—	1
5	—	—	—	—	—	—	—
3	1	—	—	—	—	—	3
—	—	—	—	—	—	—	1
2	2	—	—	—	—	—	1
5	1	2	—	—	—	—	—
1	—	—	—	—	—	—	—
—	—	—	—	—	—	—	1
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	1
1	—	—	—	—	—	6	—
—	—	—	—	—	—	4	1
1	—	—	—	—	—	4	—
—	—	—	—	—	—	1	—
16	10	1	—	1	—	—	—
11	7	1	—	—	—	—	—
13	8	2	—	—	1	—	—
7	4	—	—	—	1	—	—

	Departmental level	Faculty senate or council, campus level	Administration at the campus level	Governing board, campus level	Faculty senate or council, multi-campus system	Administration, multi-campus system
11. *Establishing new graduate or professional programs*						
Higher Education agencies	—	2	3	4	—	1
Flagship institutions	5	5	7	2	2	2
Four-year institutions	—	4	3	4	1	1
Two-year institutions	—	—	—	1	—	1
12. *Reviewing and eliminating existing undergraduate programs*						
Higher Education agencies	—	3	11	6	—	3
Flagship institutions	2	2	21	1	1	—
Four-year institutions	2	5	17	4	—	—
Two-year institutions	1	3	8	2	—	2
13. *Reviewing and eliminating existing graduate programs*						
Higher Education agencies	—	2	9	2	—	1
Flagship institutions	1	1	16	1	1	—
Four-year institutions	1	3	13	3	—	—
Two-year institutions	—	—	1	2	—	—
14. *Adding or discontinuing an academic department or division*						
Higher Education agencies	—	1	16	9	—	3
Flagship institutions	2	2	19	1	—	3
Four-year institutions	—	2	18	9	1	1
Two-year institutions	—	—	13	4	—	3

Governing board, multicampus system	State coordinating agency	State department of education	Governor's office	Other state executive branch agency	Legislature or its staff	Multiple response	Not applicable
17	11	1	—	1	—	—	1
11	6	7	—	—	—	—	—
14	10	2	—	—	1	—	2
3	3	—	—	2	—	—	16
14	4	—	—	—	—	—	—
12	1	1	—	—	—	—	—
12	1	1	—	—	—	—	—
6	1	1	—	—	—	—	2
15	5	—	—	—	—	6	1
12	1	1	—	—	—	7	—
12	3	1	—	—	—	4	2
4	—	—	—	—	1	—	18
11	1	—	—	—	—	—	—
12	1	1	—	—	—	—	—
10	1	—	—	—	—	—	—
5	1	—	—	—	—	—	—

PERSONNEL DECISIONS	Departmental level	Faculty senate or council, campus level	Administration at the campus level	Governing board, campus level	Faculty senate or council, multicampus system	Administration, multicampus system
1. *Appointing senior campus administrators*						
Higher Education agencies	—	—	16	13	—	2
Flagship institutions	—	—	15	5	—	7
Four-year institutions	—	—	20	9	—	—
Two-year institutions	—	—	7	11	—	2
2. *Hiring new faculty members*						
Higher Education agencies	24	—	13	3	—	1
Flagship institutions	18	—	20	2	—	—
Four-year institutions	13	—	22	4	—	—
Two-year institutions	2	—	16	3	—	3
3. *Granting faculty tenure and promotions*						
Higher Education agencies	2	2	20	4	1	—
Flagship institutions	2	—	14	1	—	6
Four-year institutions	1	—	20	6	—	—
Two-year institutions	—	—	6	8	—	2
4. *Determining academic salary schedules*						
Higher Education agencies	—	—	14	6	—	4
Flagship institutions	5	—	14	1	—	6
Four-year institutions	—	1	17	3	—	3
Two-year institutions	—	—	5	8	—	4
5. *Setting rules on outside income for faculty members*						
Higher Education agencies	1	—	13	9	—	3
Flagship institutions	—	3	17	1	—	5
Four-year institutions	—	1	15	6	—	1
Two-year institutions	—	—	8	7	—	5

Governing board, multicampus system	State coordinating agency	State department of education	Governor's office	Other state executive branch agency	Legislature or its staff	Multiple response	Not applicable
10	—	—	—	—	—	—	—
14	—	—	—	—	—	—	—
11	—	—	—	—	—	—	2
6	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
1	—	—	—	—	—	—	—
2	—	—	1	—	—	—	—
2	—	—	—	—	—	—	—
6	—	—	—	—	—	6	—
9	—	—	—	—	—	9	—
9	—	—	1	—	—	5	—
4	—	—	—	—	1	1	3
11	1	1	—	1	1	—	2
9	—	—	—	1	1	—	3
12	2	—	2	2	—	—	—
5	—	—	—	—	4	—	—
11	—	—	—	1	—	—	3
10	—	—	—	—	—	—	5
14	1	—	1	1	—	—	2
3	—	—	—	—	—	—	3

	Departmental level	Faculty senate or council, campus level	Administration at the campus level	Governing board, campus level	Faculty senate or council, multicampus system	Administration, multicampus system
6. *Authorizing out-of-state travel for faculty members*						
Higher Education agencies	12	—	27	—	—	—
Flagship institutions	16	—	24	—	—	1
Four-year institutions	8	—	31	—	—	—
Two-year institutions	3	—	15	3	—	5
7. *Allocating vacant faculty positions among departments*						
Higher Education agencies	—	—	39	—	—	—
Flagship institutions	—	—	38	—	—	2
Four-year institutions	—	—	42	—	—	—
Two-year institutions	2	—	20	1	—	3
8. *Negotiating with unions for collective bargaining agreements for academic personnel*						
Higher Education agencies	1	—	10	2	—	7
Flagship institutions	—	—	2	—	—	13
Four-year institutions	—	—	7	2	—	5
Two-year institutions	—	—	5	8	—	3
9. *Determining affirmative action targets for academic hiring*						
Higher Education agencies	—	1	32	1	—	1
Flagship institutions	2	—	28	—	—	9
Four-year institutions	3	—	32	1	—	—
Two-year instiutions	—	2	10	5	—	6
10. *Adjudicating faculty grievances*						
Higher Education agencies	—	3	23	3	—	3
Flagship institutions	1	10	15	1	—	4
Four-year institutions	1	2	25	2	—	3
Two-year institutions	—	—	16	2	—	2

Governing board, multicampus system	State coordinating agency	State department of education	Governor's office	Other state executive branch agency	Legislature or its staff	Multiple response	Not applicable
1	—	—	—	1	—	—	—
—	—	—	—	—	—	—	—
1	—	—	—	1	1	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	2	—
—	—	—	—	—	—	1	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
5	—	—	1	2	—	—	13
3	—	—	—	1	—	—	22
10	1	—	2	—	—	—	15
3	—	—	—	—	—	—	7
2	2	1	—	—	—	—	1
2	—	—	—	—	—	—	—
1	3	1	—	—	—	1	—
2	1	—	—	—	—	—	—
2	—	—	—	1	—	6	—
2	—	—	—	—	—	7	1
3	—	1	—	—	—	3	2
3	—	—	—	2	—	—	—

ADMINISTRATIVE DECISIONS	Departmental level	Faculty senate or council, campus level	Administration at the campus level	Governing board, campus level	Faculty senate or council, multi-campus system	Administration, multi-campus system
1. *Setting campus enrollment levels*						
Higher Education agencies	—	—	12	7	—	3
Flagship institutions	1	—	14	—	—	5
Four-year institutions	—	—	24	2	—	—
Two-year institutions	—	—	15	4	—	5
2. *Determining affirmative action targets for enrollment*						
Higher Education agencies	—	—	22	5	—	3
Flagship institutions	—	—	25	—	—	4
Four-year institutions	—	—	28	1	—	—
Two-year institutions	—	1	12	3	—	6
3. *Setting tuition levels*						
Higher Education agencies	—	—	—	9	—	1
Flagship institutions	—	—	1	6	—	4
Four-year institutions	—	—	3	7	—	—
Two-year institutions	—	—	2	10	—	3
4. *Allocating revenue from non-state sources (indirect cost reimbursement, auxiliary enterprises)*						
Higher Education agencies	—	—	23	5	—	3
Flagship institutions	—	—	19	1	—	9
Four-year institutions	—	—	27	2	—	2
Two-year institutions	1	—	14	4	—	4
5. *Approving departmental budgets*						
Higher Education agencies	—	—	37	—	—	—
Flagship institutions	—	—	35	1	—	2
Four-year institutions	—	—	39	—	—	1
Two-year institutions	—	1	18	3	—	3

Governing board, multicampus system	State coordinating agency	State department of education	Governor's office	Other state executive branch agency	Legislature or its staff	Multiple response	Not applicable
10	4	—	—	2	—	—	3
11	1	1	—	—	4	—	4
7	3	—	—	1	—	—	5
1	—	1	—	—	—	—	—
4	3	1	—	—	—	—	3
5	2	—	—	—	1	—	—
3	3	1	—	—	—	—	6
2	1	1	—	—	—	—	—
22	2	1	—	—	5	—	1
25	2	—	—	—	3	—	—
22	2	1	—	—	5	—	2
6	2	1	—	—	2	—	—
2	—	—	—	1	1	5	1
4	—	—	—	—	1	4	3
5	—	—	—	2	—	2	2
3	—	—	—	—	—	—	—
3	—	—	—	—	—	—	1
2	—	—	—	—	—	—	1
—	—	—	—	—	—	—	2
1	—	—	—	—	—	—	—

	Departmental level	Faculty senate or council, campus level	Administration at the campus level	Governing board, campus level	Faculty senate or council, multi-campus system	Administration, multi-campus system
6. *Establishing guidelines for budget development*						
Higher Education agencies	—	1	11	1	—	6
Flagship institutions	—	1	12	1	—	17
Four-year institutions	—	1	21	1	—	6
Two-year institutions	—	—	10	6	—	5
7. *Making purchases over $1,000*						
Higher Education agencies	1	1	31	—	—	1
Flagship institutions	9	1	23	—	—	6
Four-year institutions	4	—	30	—	—	1
Two-year institutions	—	—	14	5	—	4
8. *Transferring more than $5,000 between budget categories*						
Higher Education agencies	—	1	18	3	—	3
Flagship institutions	—	1	25	—	—	6
Four-year institutions	1	—	18	1	—	2
Two-year institutions	—	—	11	5	—	2
9. *Assigning space and facilities to specific academic programs*						
Higher Education agencies	—	1	37	—	—	1
Flagship institutions	—	1	37	—	—	2
Four-year institutions	1	—	39	—	—	—
Two-year institutions	1	—	20	2	—	2
10. *Building or habitat a campus facility*						
Higher Education agencies	—	1	6	6	—	3
Flagship institutions	—	1	11	3	—	7
Four-year institutions	—	—	8	4	—	4
Two-year institutions	—	—	5	9	—	6

Governing board, multicampus system	State coordinating agency	State department of education	Governor's office	Other state executive branch agency	Legislature or its staff	Multiple response	Not applicable
11	4	1	2	2	1	—	1
7	—	—	1	—	—	—	2
8	1	—	—	2	—	—	2
5	—	—	—	—	—	—	—
2	—	1	—	4	—	—	—
1	—	—	—	—	—	—	1
—	—	—	1	4	—	—	2
2	—	—	—	1	—	—	—
4	—	2	1	6	—	3	—
5	—	—	1	—	—	2	1
5	1	1	—	6	—	4	3
2	1	1	—	—	1	3	—
1	—	—	—	—	—	—	1
—	—	—	—	—	—	—	1
—	—	—	—	—	—	—	2
1	—	—	—	—	—	—	—
12	6	1	1	2	3	—	—
12	1	—	2	—	3	—	1
11	2	—	3	1	7	—	2
4	1	—	—	—	1	—	—

	Departmental level	Faculty senate or council, campus level	Administration at the campus level	Governing board, campus level	Faculty senate or council, multicampus system	Administration, multicampus system
11. *Authorizing fund-raising for capital improvements*						
Higher Education agencies	—	—	14	8	1	1
Flagship institutions	—	—	13	6	1	9
Four-year institutions	—	—	16	10	—	1
Two-year institutions	—	—	6	13	—	2
12. *Establishing or closing branch campuses*						
Higher Education agencies	—	—	—	3	1	—
Flagship institutions	—	—	1	3	1	2
Four-year institutions	—	—	2	3	—	—
Two-year institutions	—	—	2	10	—	2
13. *Offering courses and programs off campus*						
Higher Education agencies	1	2	24	2	—	1
Flagship institutions	2	3	17	1	—	7
Four-year institutions	5	—	24	1	—	—
Two-year institutions	1	—	17	2	—	5
14. *Determining specific reductions required by mid-year budget cuts*						
Higher Education agencies	—	1	28	4	—	2
Flagship institutions	—	1	27	1	—	8
Four-year institutions	1	—	34	—	—	—
Two-year institutions	—	—	16	5	—	5
15. *Use of year-end campus budget surplus*						
Higher Education agencies	—	1	21	6	—	2
Flagship institutions	1	1	18	2	—	8
Four-year institutions	—	1	27	1	—	1
Two-year institutions	—	—	8	9	—	6

Governing board, multicampus system	State coordinating agency	State department of education	Governor's office	Other state executive branch agency	Legislature or its staff	Multiple response	Not applicable
11	—	1	1	2	1	—	1
10	—	—	—	—	1	—	1
6	1	—	1	—	1	—	6
4	—	—	—	—	1	—	—
14	7	—	—	—	10	6	—
14	2	1	1	—	3	6	7
15	6	1	2	—	5	2	6
6	2	—	—	—	2	2	—
3	7	—	—	—	—	—	1
4	4	1	—	—	1	—	1
5	2	3	—	—	—	—	2
—	—	1	—	—	—	—	—
4	—	—	—	—	—	—	2
1	—	—	—	—	—	—	3
2	1	—	—	1	—	—	3
—	—	—	—	—	—	—	—
1	—	—	2	5	1	—	2
4	—	—	1	—	2	—	4
3	—	—	1	3	1	1	3
1	—	—	—	1	—	—	1

INSTITUTIONS AND AGENCIES PARTICIPATING IN THE SURVEY OF DECISION MAKING IN HIGHER EDUCATION

State Education Agencies

Alabama Commission on Higher Education
University of Alaska Statewide System
Arizona Board of Regents
Arkansas Department of Higher Education
California Postsecondary Education Commission
Connecticut Board of Higher Education
Delaware Postsecondary Education Commission
Florida Department of Education
Georgia Board of Regents of the University System
Hawaii State Postsecondary Education Commission*
Idaho State Board of Education
Indiana Commission for Higher Education
Iowa State Board of Regents
Kansas Board of Regents
Kentucky Council on Higher Education
Louisiana Board of Regents
University of Maine Board of Trustees*
Maryland State Board for Higher Education
Massachusetts Board of Regents of Higher Education
Michigan State Board of Education
Minnesota Higher Education Coordinating Board
Mississippi Board of Trustees of State Institutions of Higher Learning
Montana Board of Regents of Higher Education*
Nebraska Coordinating Commission for Postsecondary Education
University of Nevada System*
New Jersey State Board of Higher Education
New Mexico Board of Educational Finance
New York State Education Department

* Institutions counted as both flagship institutions and state education agencies.

Board of Governors of the University of North Carolina*
North Dakota State Board of Higher Education
Ohio Board of Regents
Oklahoma State Regents for Higher Education
Oregon Educational Coordinating Commission
Pennsylvania Office of Higher Education
Rhode Island Board of Governors for Higher Education
Texas Coordinating Board, College and University System
Vermont Higher Education Planning Commission
Virginia State Council of Higher Education
Washington Council for Postsecondary Education
West Virginia Board of Regents
University of Wisconsin at Madison*

Flagship universities

University of Alaska
University of Alabama
University of Arizona
University of Arkansas
University of California
University of Colorado
University of Connecticut
University of Florida
University of Georgia
University of Hawaii*
University of Idaho
University of Illinois
Indiana University
University of Iowa
University of Kansas
University of Kentucky
University of Maine*
University of Maryland
University of Minnesota
University of Mississippi
University of Missouri
University of Montana*
University of Nevada System*
University of New Hampshire
University of New Mexico
State University of New York
University of North Carolina*
Ohio State University
University of Oklahoma

Oregon Department of Higher Education
University of Pennsylvania
Rutgers, the State University of New Jersey
University of South Carolina
University of South Dakota
University of Tennessee
University of Utah
University of Vermont
University of Virginia
University of Washington
University of Wisconsin at Madison*
University of Wyoming

Four Year Institutions

Alabama A & M University
Angelo State University (Texas)
Armstrong State College (Georgia)
Bemiji State University (Minnesota)
California State College (Pennsylvania)
California State University Hayward
Central Washington University
Delaware State College
Delta State University (Mississippi)
East Central University (Oklahoma)
Eastern Connecticut State College
Eastern Illinois University
Florida Atlantic University
Francis Marion College (South Carolina)
Henderson State University (Arizona)
Keene State College (New Hampshire)
Lyndon State College (Vermont)
Mesa College (Colorado)
Miami University (Ohio)
Murray State University (Kentucky)
New Mexico Highlands University
North Carolina Central University
Northeast Missouri University
Northern Michigan University
Northern Montana College
Northern State College (South Dakota)
Purdue University Calumet (Indiana)
Radford University (Virginia)
Salisbury State College (Maryland)
Shepherd College (West Virginia)

State University College at Cortland (New York)
Tennessee State University
University of Nevada, Las Vegas
University of Hawaii at Hilo
University of Maine at Presque Isle
University of Wisconsin at Stout
Valley City State College (North Dakota)
Washburn University of Topeka (Kansas)
Wayne State University (Nebraska)
Weber State University (Utah)
Western Oregon State College
Worcester State College (Maine)

Two-Year Colleges

Austin Community College (Minnesota)
Bossier Parish Community College (Louisiana)
Central Community College (Nebraska)
Clark Community College (Nevada)
College of Southern Idaho
Colorado Mountain College
Community College of Beara County (Pennsylvania)
Community College of Rhode Island
District One Technical Institute (Wisconsin)
East Central College (Missouri)
Gainesville Junior College (Georgia)
Greon River Community College (Washington)
Horry Georgetown Technical College (South Carolina)
Howard Community College (Maryland)
Isothermal Community College (North Carolina)
Lake Region Community College (North Dakota)
Miles Community College (Montana)
Niagara County Community College (New York)
Northern New Mexico Community College
Pearl River Junior College (Mississippi)
Polk Community College (Florida)
Solano Community College (California)
South Plains College (Texas)
University of Kentucky Community College (Kentucky)
Yavapai College (Arizona)
Waubonsee Community College (Illinois)

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XI. A RENEWAL OF LEADERSHIP

1. Enarson, Harold. "Quality and Accountability: Are We Destroying What We Want to Preserve?" *Change* October 1980, Vol. 12, No. 7, p. 9.

colleagues and award licenses to teach. Such authority begins to define what the essay calls the *essential academic core*, those functions of teaching and research that must, at all costs, be protected from outside control. The legal authority once held by the faculties of the great medieval universities is, in the American tradition, held by governing boards.

The essay reviews efforts of the academy to regulate itself, first through internal decision making, and later through voluntary accrediting. It traces the new connections that have emerged as colleges and universities join with government to advance research, extend educational opportunities, and promote social justice. These partnerships have changed the mission and the governance structure of higher education.

Public oversight is likely to increase as much of higher education moves from expansion to constraint. The essay concludes, however, that this would be a move in the wrong direction. It calls upon higher education to recapture the initiative in controlling its own destiny. Colleges and universities are urged to strengthen their capacity to regulate themselves and find ways for their own leadership more effectively to lead.

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